

SECRET



C-142573

फाइल सं.

File No. 1/27/91-PUBLIC.

खण्ड
Volume

(Main)

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS

सुशाहाल बालिका भविष्य देश का
CARE FOR THE GIRL CHILD

PUBLIC अनुभाग
Section

..... को सूचीकृत की गई
Indexed on

टिप्पणियां/पत्राचार
NOTES/CORRESPONDENCE

अक्षर
Initials

अभिलेख क/ख
Record A/B

अभिलेख ग में नष्ट किए गए
Record C Destroyed in

नाट किया जाए
नोट न किया जाए अनुभागीया नोट बुक

To be noted In Sectional Note Book
Not to be noted

अनु. अ०/अधीक्षक के हस्ताक्षर
Initials of S.O./Supdt.

लिपिक के हस्ताक्षर
Initials of Clerk

विषय
SUBJECT

CONFERMENT OF BHARAT RATNA AWARD ON
NETAJI SUBHASH CHANDRA BOSE.

Down Graded -
Bluecher
18/12/15

(सहायक सचिव)
(SAHAYAK SACHIV)
(SAHAYAK SACHIV)

Noting 1 to 12
Correspondence 1 to 54
Total = 64

पिछले हवाले
Previous References

बाद के हवाले
Later References

21/11/15



SECRET

Ministry of Home Affairs
IS Division
Lok Nayak Bhavan
(File No. I/11012/62/2006-Cdn.)

The following file was returned by the Justice Mukherjee Commission of Inquiry (set up to inquire into the alleged disappearance of Netaji Subhas Chandra Bose) at the time of its winding up –

- i) File No. 1/27/91-PUBLIC (in one volume)

The file is returned herewith the receipt of which may please be acknowledged.

Sugoswan
14/2/08
(S.K. Goswami)
Under Secretary

Shri Arvind Mukherjee,
Under Secretary (Ad.V & P),
Room No. 13-B,
MHA, North Block,
New Delhi-110001.

Ath
14/2/08,

SO (Publicity)

14/2/08

kl

Secret

(2)

S. No. 1 (Receipt)

✓ PUC
Pages 1-4/Corr.

A memorandum has been submitted by Dr. Triguna Sen and others to the President regarding conferment of 'Bharat Ratna' posthumously on Netaji Subhash Chandra Bose. In the memorandum the following points have been made:-

- (i) To withdraw the award of Bharat Ratna conferred on Netaji as historically and philosophically any such state adoration of any order can be no honour to the life and mission of a personality who is looked upon by our country-men as a Man of Destiny.
- (ii) It is incongruous to confer Bharat Ratna 'Posthumously' on Netaji in the absence of any credible evidence of Netaji's death. Mention has been made of the Shah Nawaz Committee Report and also the Khosla Committee Report, which has been rejected by the Government of Shri Morarji Desai on 3rd September, 1978. Actually the reference is to the statement made by the then Prime Minister Shri Morarji Desai on 28th August, 1978 during a discussion of a motion moved by Shri Samar Guha to the effect that "in the light of the doubts and contradiction and records mentioned the Government find it difficult to accept that the earlier conclusions are decisive."
- (iii) In view of the widespread disapproval of the move to confer the Bharat Ratna on Netaji, it should be withdrawn.

The President has stated in the covering letter that Shri Jyoti Basu, Chief Minister of West Bengal and Shri Sidhartha Shankar Ray had separate meetings with him and have expressed the same view.

2. It may also be mentioned in this context that Netaji's family have declined to receive the award on the ground that it may be interpreted as a slight to his memory.

3. The matter was discussed by the Cabinet Secretary with the Prime Minister as to whether in the light of the above:-

- (a) the announcement of Bharat Ratna for Netaji should be withdrawn.
- (b) if this is not to be withdrawn whether his name should be included in the pamphlet to be circulated in the Investiture Ceremony which has been fixed on 28th March, 1992.
- (c) if the name of Netaji is to be included in the list of awardees mentioned in the brochure whether the word 'Posthumous' should be added or not.

4. The Prime Minister has directed that in the light of the foregoing developments, neither his name nor his photograph be included in the brochure.

(from prepage)

: 2 :

5. It may, however, be mentioned that Rashtrapati Bhavan has issued a Press Communique dated 22nd January, 1992 regarding conferment of Bharat Ratna on Netaji posthumously, which was to be published/broadcast only on 23rd January, 1992. This may have to be cancelled if his name is not to be mentioned in the Brochure as this is tantamount to withdrawal of the announcement.

6. PM may also perhaps like to speak to the President so as to apprise him of the position.

(Madhav Godbole)
Home Secretary
23.3.1992

HM

23/3

265/S/92-HM

24.3.92

I had requested Home Minister to seek interview with President and get his guidance.

P.V. Nageswara

23/3

Hm. I have discussed today

with President and he said that there is no provision for withdrawing the Bharat Ratna award. It will not be sent to Archives - It may be kept with Home ministry - It will not be mentioned when the names are called - Nothing needs to be done.

24/3

4955
24/3/92

M.303/H8192
25/3

326/JSCM/5/92
26/3

Discussed with HS.

26/3

26/3

26/3

94

✓ scrip 'H'

The position regarding conferment of 'Bharat Ratna' posthumously on Netaji Subhash Chandra Bose has been explained in detail in the preceding notes. In Para 5 of Home Secretary's note dated 23rd March, 1992, it was mentioned that President's Secretariat issued a Press Communique dated 22nd January, 1992 (with an embargo to publish/broadcast the same only on 23rd January, 1992) regarding conferment of Bharat Ratna posthumously on Netaji. It was further mentioned therein that if the name is subsequently not to be mentioned in the Brochure to be brought out for the Investiture Ceremony to be held on 28th March, 1992, it would tantamount to withdrawal of the announcement. This note after approval of H.M. was submitted to P.M. for orders. The latter requested H.M. to see the President and get his guidance.

2. In the light of the above position, H.M. discussed the matter with President on 24th March, 1992. During this meeting, the President said that there is no provision for withdrawing the Bharat Ratna Award. It has further been ordered in H.M.'s minute that the name of Netaji will not be mentioned when other names are called during the Investiture Ceremony. As regards an earlier decision to deposit the Medal and the Sanad meant for Netaji Bose with National Archives, H.M. minuted that it may be kept in Home Ministry and may not be sent to Archives. He further directed that nothing needs to be done.

3. As regards the provision for withdrawing the Bharat Ratna Awards, the position would be clear from a perusal of the rules relating to Bharat Ratna Award (Slip 'A'). The relevant provision is as follows:-

X

"The President may cancel and annul the award of the decoration to any person and thereupon his name shall be erased from the Register and he shall be required to surrender the decoration and the Sanad. But it shall be competent for the President to restore the decoration and Sanad and to withdraw the orders of cancellation and annulment. The notice of cancellation or restoration in every case shall be published in the Gazette of India".

The above is clearly meant to cancel the award in case of some subsequent development warranting such a step. But this provision has not been invoked so far.

1 was issued

4. In view of the above position and keeping in view the fact that a Press Communique/announcing the award of Bharat Ratna posthumously for Netaji Subhash Chandra Bose, it is submitted for consideration and orders whether a further Press Communique/Press Note need be issued to cover up for the non-implementation of the earlier announcement.

Submitted.

(V.P. Bhatia)

Under Secretary (Pub. & Vig.)
1-4-1992

JS(A)

(from prepage)

Reference HM's minute on page 2/anted *20thm sideline x*

In the instant case the conferment of 'Bharat Ratna' has been announced by the President through a Press Communique, but it has not been notified. The notification in the gazette is done after the award is given in the Investiture Ceremony.

2. The procedure mentioned in the rules referred to at 'X' on prepage is in respect of names already notified. At the same time unless the Press Communique issued announcing the award is cancelled the formalities will not be completed and the position will remain uncertain. If approved, we may refer to the advice of the President's Secretariat through the Prime Minister's Office.

No further action is necessary and matter may be treated as closed.

A.K. Narayanan
(A.K. Narayanan)
JS(A)
7.4.1992

372/JS(A)/S/92
7/4

F. 1153/11/92
7/4

292/5/92-HMP
07/04

HM

9/4

PM has approved the suggestion that no further action is necessary and the matter may be treated as closed.

(N. K. Sinha)
Joint Secretary to PM
5.5.92

PM'S Personal Sec
DY. NO. 613-S
DATE 10-5-92

Secretary to President

PMO UO No 800/5/C/9/91/Pol dated 5.5.92

PRESIDENT'S SECRETARIAT
DY. No. 85-CD/92-CA(II)
DATE 27.5.92

PRESIDENT'S SECRETARIAT

The President has approved the proposal.

A.K. Upadhyay
(A.K. Upadhyay)
Director

Ministry of Home Affairs (Shri A.K. Narayanan, Joint Secretary)
President's Sectt. UO No.F.II-3.2(1)/92-CA(II), dt. 8.5.1992

PM's Secy
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Aug 15
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28/7/2006
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11/8/2006
18/8/2006
25/8/2006
1/9/2006
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27/10/2006
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1/12/2006
8/12

MINISTRY OF HOME AFFAIRS

11-1-4/c

Reference P.U.C (attached) and Cabinet Secretary's minute thereon.

2. This is a Memorandum forwarded by the President on the subject of Bhaarat Ratna being conferred on Netaji Subhas Chandra Bose.

3. Background material for use of Cabinet Secretary is placed below.

A.K. Narayanan
(A.K. NARAYANAN)
JOINT SECRETARY (ADMN.)
18-3-1992

~~H.S.~~ Cabinet Secretary may kindly recall his telephonic conversation with me yesterday. A self-contained note below may please be seen.

A copy is being put up to HM separately

A.K. Narayanan
18/3/92

236/D.S.(adm)/S/92
393

No. 1/27/91-Public

337/JS(A)/S/92
27/3

Cabinet Secretary

1613/CS/92

27.3.92

F.1040/H.S/92
27/3

PM was apprised of above. As discussed, RHA have taken n.a.

~~Home Secy~~

Mehandha
26/3

Order of PM & President have since been obtained

A.K. Narayanan
27/3

hm
26/3

Pubn

ho 30/3
US/92

Wifor M

MINISTRY OF HOME AFFAIRS

✓ slip 'A'

x slip B

The President announced the conferment of 'Bharat Ratna' posthumously on Netaji Subhash Chandra Bose on 23rd January, 1992, which was the Birth Anniversary of Netaji Subhash Chandra Bose. In the case of posthumous awards it has to be received by the next-of-kin of the awardee. Efforts were, therefore, made to find out the next of kin of Netaji Subhash Chandra Bose. We wrote to the Government of West Bengal but they regretted their inability in the matter. Since we were aware that Netaji's wife and daughter were in Germany, we wrote to our Ambassador in Vienna to contact them and ascertain their willingness to receive the award. The letter received from Netaji's daughter may please be seen at slip 'X'. According to her she cannot help but voice her reservations in the matter. In her judgement such an honour should have been appropriate in the Fifties particularly if the award was to be granted also in recognition of Netaji's achievements during India's quest for Independence. The question is whether his achievements were so minor that he had to stand in line for so long or so great that they should be remembered even after such a long time. If on the other hand Bharat Ratna was intended as recognition for current achievements in politics, social welfare etc. Netaji's work and commitment had no relevance. Weighing all arguments she cannot help but feel that one cannot honour Netaji today by awarding the Bharat Ratna to him and she will not be a party to an act which, in her opinion, may well be interpreted as a slight to his memory.

2. After the letter declining the award was received from Mrs. Anita Pfaff, daughter of Netaji, orders of the Prime Minister and the President were taken for depositing the Bharat Ratna in the National Museum.

3. Apart from the declining of the acceptance of the award by Netaji's daughter there was also a lot of criticism in the Parliament and the Press about the award. The criticism broadly was on the following grounds:

- Slip 'C'
- (a) Netaji is of the stature of Mahatma Gandhi and it is a slight to his memory to honour him with 'Bharat Ratna'.
 - (b) He has been considered for the award too late while many persons whose work do not stand comparison with his have already been awarded 'Bharat Ratna'.
 - (c) How can the Government presume that Netaji is dead.

4. The memorandum now submitted by Dr. Triguna Sen and others to the President, which has been forwarded by the latter to the Prime Minister, is more or less on the same lines. Three points have been raised:

- P.U.C.
- i) To withdraw the award of Bharat Ratna conferred on Netaji as historically and philosophically any such state adoration of any order can be no honour to the life and mission of a personality who is looked upon by our country-men as a Man of Destiny.

ii) It is incongruous to confer Bharat Ratna 'Posthumously' on Netaji in ^{the} absence of any credible evidence of Netaji's death provided by the Govt. to the Indian people. Mention has been made of the Shah Nawaz Committee Report and also the Khosla Committee Report. It has been stated that the findings of the Khosla Commission were rejected on the floor of the Lok Sabha by the Govt. of Shri Morarji Desai on 3rd Sept., 1978. Further on 26th March, 1991, the Chandra Shekhar Govt. took the decision to institute a fresh high level Investigative Inquiry about disappearance of Netaji Subhash Chandra Bose. The Convention has urged that the Govt. of India should make a special request to the Govt. of Russian Federation and its sister states for disclosing all facts and documents about the report of Netaji's taking shelter in the USSR. The decision of the former Prime Minister to undertake a high level and comprehensive Investigative Inquiry should be implemented.

iii) Lastly, in view of the widespread disapproval of the move to confer the Bharat Ratna on Netaji it should be withdrawn. The President has stated in the covering letter that Shri Jyoti Basu, Chief Minister of West Bengal and Shri Sidhartha Shankar Ray had separate meetings with him and have expressed the same view.

5. The above has to be considered in the light of the following:

5.1. As regards the first point it is relevant to mention that the announcement of the Bharat Ratna for Netaji has also been welcomed by a large section of people. The Deputy Chairman of the Rajya Sabha conveyed to the Govt. through the HM, who was present in the House, the feeling of the House regarding the Quit India Movement and giving Bharat Ratna to Maulana Abul Kalam Azad and also to Shri Subhash Chandra Bose. Even Shri Jyoti Basu, Chief Minister of West Bengal is reported to have said that 'we are really happy that the Centre at last thought it fit to award him (Netaji) with 'Bharat Ratna'. His only ^{objection} question was regarding the delay. Some of the leading newspapers also welcomed the award of Bharat Ratna to Shri Subhash Chandra Bose and Maulana Abul Kalam Azad. Ofcourse there was criticism against the award by the nephew of Netaji and also persons like Shri Sidhartha Shankar Ray. The views of Netaji's daughter have already been referred to above.

on 7.8.91 ✓ slip E

x slip 'C'

✓ slip 'C'

5.2 As regards the second point it is true that the Government had set up two Committees to enquire into Netaji's death - the Shah Nawaz Committee which was appointed on 3rd December, 1955, and the Khosla Commission which was set up on 11th July, 1970. The Shah Nawaz Committee as well as the Khosla Commission had come to the conclusion that Netaji had died in a air crash on 18th August, 1945, but there was a section of opinion led by persons like Samar Guha who were not prepared to accept that Netaji had died. Shri Samar Guha referred to some British intelligence documents to contest the conclusions of the Khosla Commission. A Motion moved by Shri Samar Guha was considered by Lok Sabha in its sitting on 28th August, 1978. The then Prime Minister Shri Morarji Desai made statement to the effect that in the light of doubts and contradiction ~~and~~ records mentioned the Government find it difficult to accept that the earlier conclusions are decisive. At the same time the Government feels that no useful purpose would be served by having any further inquiry. Extracts of the debate obtained from the Lok Sabha Secretariat may please be seen as slip 'Y'. Thus the statement attributed to Shri Morarji Desai was made on 28th August, 1978, and not on 3rd September, 1978. The latter is evidently based on a publication by Samar Guha titled 'Netaji dead or alive'. Subsequently, a detailed note was placed before the Cabinet Committee on Political Affairs bringing out the various doubts expressed by Sumar Guha and others. The question of bringing to India Netaji's ashes from Japan was also there. The CCPA in its meeting held on 27th February, 1991 had agreed with the view that it had already been accepted that Netaji Subhash Bose died on air crash on 18th August, 1945, at Taipei and that no useful purpose would be served by holding yet another inquiry or by bringing the ashes back to India at present. A copy of the Note sent to the CCPA and the latter's decision may please be seen at slip 'Z'.

As far as the decision of Chandra Shekhar Govt. on 26th March, 1991 to institute a fresh high level Investigative Inquiry, IS Division, who was connected with the setting up of the Khosla Commission of Inquiry, was consulted. They are not aware of any such decision.

of MHA

5.3.1. As regards the suggestion to withdraw the announcement, so far the Bharat Ratna have been awarded to 26 persons of which 7 were awarded posthumously. Only in the case of the Vinobha Bhave, who was awarded Bharat Ratna posthumously in 1982, his next-of-kin declined to accept the award and the medal was deposited in the National Museum as per directions of the then Prime Minister.

5.3.2. The rules for Bharat Ratna provided as follows:

"The President may cancel and annul the award of the decoration to any person and thereupon his name shall be erased from the Register and he shall be required to surrender the decoration and the Sanad. But it shall be competent for the President to restore the decoration and Sanad and to withdraw the orders of cancellation and annulment. The notice of cancellation or restoration in every case shall be published in the Gazette of India".

The above is clearly meant to cancel the award in case of some subsequent development warranting such a step. But this provision has not been invoked so far.

6. In the light of the above orders are solicited on the following:

- i) Whether the announcement of Bharat Ratna for Netaji Subhash Chandra Bose is to be withdrawn.
- ii) If this is not to be withdrawn whether his name is to be included in the pamphlet to be circulated in the Investiture Ceremony which has been fixed on the 28th March, 1992. Mention has already been made of the fact that the Netaji's daughter has declined to accept the award. As per the procedure, even if there is none to receive the award, the name is included in our list, though it is not presented by the President.
- iii) If the name of Netaji is to be included in the list of awardees mentioned in the Brochure whether the word 'posthumously' be added. Though there may be diversity of views regarding the disappearance of Netaji, it is perhaps too much to believe that he is alive.

7. After suitable orders of PM are obtained, orders of President would have to be solicited.

S. No. 1

G-2115/HSL92
17/3



सहस्रम्भोजम्
राष्ट्रपति
भारत गणतन्त्र
PRESIDENT
REPUBLIC OF INDIA

New Delhi,
March 13, 1992.

My dear PV,

I enclose a copy of a letter that was handed over to me in Calcutta on March 9, 1992 by Dr Triguna Sen and others on the subject of the Bharat Ratna being conferred on Netaji Subhas Chandra Bose.

Sri Jyoti Basu, Chief Minister of West Bengal and Sri Siddhartha Shankar Ray, who had separate meetings with me, also expressed the same view.

With regards,

Yours sincerely,

R. Venkataraman
R. VENKATARAMAN

Sri P.V. Narasimha Rao,
Prime Minister of India,
New Delhi.

We discussed this. Ray kindly forward background information, and precedents, if any, with regard to refusal of Award.

Mehandir
17/3

Contd.....P/2.

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16/3

Ugert
As discussed

Home / Secy

17/3

JR/18

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(12)

To
Shri R. Venkatraman
President of India
India

Respected Rastrapatiji,

We the following signatories of this Memorandum crave the indulgence of bringing to your kind attention that on 22nd February, this year, a massive Citizens' Convention was held in the Calcutta University Centenary Hall on issues about Netaji Subhas Chandra Bose, a Promethean hero of our national freedom.

The Convention urged the Central Government :

Firstly, to withdraw the award of Bharat Ratna conferred on Netaji as it felt that historically and philosophically any such state adoration of any order can be no honour to the life and mission of a personality who is looked upon by our country-men as a Man of Destiny.

Secondly, the Convention considered it wholly incongruous to confer Bharat Ratna 'Posthumously' on Netaji in absence of any credible evidence of Netaji's death provided by the Government to the Indian people. The Government of Mrs. Indira Gandhi discarded the findings of the Shah Nawaz Committee in 1970 while instituting Khosla Commission 'to inquire into disappearance of Netaji Subhas Chandra Bose'. The findings of the Khosla Commission were also rejected on the floor of the Lok Sabha by the Government of Shri Morarji Desai on 3rd Sept. 1978. Thus, the issue of disappearance of Netaji remained open before the Government. Further, on 26th March 1991, the Chandra Sekhar Government took the decision in response to your graceful intervention, to institute a fresh high level Investigative Inquiry about disappearance of Netaji Subhas Chandra Bose.

Thirdly, the Convention further thought that in the present international milieu of peace and democratic reconciliation it is an opportune moment for the Government of India to make a special request to the Government of Russian Federation and its sister states for disclosing all facts and documents about the report of Netaji's taking shelter in the USSR after fall of Japan in August 1945.

Information available from the Governments of Wavell, Nehru and Japan, U.K., U.S.A and Taiwan, and the document found from the Princeton University of the USA indicated that in all probability Netaji crossed into the Soviet territory from across the Manchurian border under the cover of a cooked up story of his death in an air crash in former Formosa.

We fervently plead with you, Rastrapatiji, to take up the following issues about Netaji with the Prime Minister of India, Shri P. V. Narasimha Rao, in a way as you consider fit and proper.

Firstly, for executing the decision of the Government of Shri Chandra Sekhar to undertake a High Level and comprehensive Investigative Inquiry into disappearance of Netaji Subhas Chandra Bose in consultation with the persons who will be helpful to furnish necessary informations and suggestions as to the parameter, process and modality of such investigation. The Convention viewed that it remained to be an unfulfilled sacred duty for our nation to finally know what really happened to Netaji, the Maha Kshatriya of our freedom struggle.

Secondly, to persuade the Prime Minister to open high level negotiation with the Govt. of Russia and its sister States for disclosing all facts available with them about the report of Netaji's taking shelter in the former regime of the USSR by the end of 1945.. Similar negotiation should also be started with the Government of the U.K., the U.S.A, Japan and Taiwan for handing over to the Government of India the reports of the investigations and other matters concerning disappearance of Netaji for fruitful unearthing of the facts to know what really happened to Netaji of the Indian People.

Thirdly, to communicate to the Prime Minister the views of wide spread disapproval of the move to confer Bharat Ratna on Netaji Subhas Chandra Bose for withdrawing it.

Rastrapatiji, we are aware of your ardent feeling for the life and mission of Netaji, and the help you extended on many issues about Netaji. As such, we

Contd.....P/3.

On behalf of the Citizens' Convention

Winnipeg

Harold Hall, Wash.

See page 100

11/2/66

Christians' Land

8/10/1991 (9)
13/11/91

1537/G/9/11/91
14/11

P. 14357/H8/91
12/11

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

नई दिल्ली-110011
NEW DELHI-110011

2655/SS/91
18/11

Enclosed herewith are copies of two letters dated the 10th October, 1991 written by the Prime Minister to the President recommending the award of 'Bharat Ratna' posthumously on Maulana Abul Kalam Azad and Shri Subhash Chandra Bose.

2. The President has informed the Prime Minister that he has accepted the recommendations made for conferring the 'Bharat Ratna' Award on Maulana Abul Kalam Azad and Shri Subhash Chandra Bose posthumously. The President has suggested that the details may be settled by the concerned officers.

3. I have been desired to request that MHA may take further necessary action in the matter as per procedure and conventions.

Prabhat

[Prabhat C Chaturvedi]
Director

Shri MD Godbole, Home Secretary
PMO UO No. 800/5/C/1/91-Pol vol I.

12/11/91

For personal necessary action will be taken

Therefore.

SS/CS

By hand
JS(A) for a/a as discussed H.

13.11.91

25/11/91



5(64)

46

PRIME MINISTER

New Delhi
October 10, 1991

Respected Rashtrapatiiji,

It is proposed to confer the highest civilian award, namely 'Bharat Ratna', posthumously on Shri Subhash Chandra Bose, in recognition of his public service of the highest order and his outstanding contribution to the freedom struggle of our country.

I request you to consider this suggestion for approval. The award could be presented at a special investiture ceremony.

With regards,

Yours sincerely,

P.V. Narasimha Rao

(P.V. Narasimha Rao)

Shri R. Venkataraman
President of India
Rashtrapati Bhavan
New Delhi

JS(CS)

19/11



PRIME MINISTER

New Delhi
October 10, 1991

Respected Rashtrapatiiji,

It is proposed to confer the highest civilian award, namely 'Bharat Ratna', posthumously on Maulana Abul Kalam Azad, in recognition of his public service of the highest order and his outstanding contribution to the freedom struggle of our country.

I request you to consider this suggestion for approval. The award could be presented at a special investiture ceremony.

With regards,

Yours sincerely,

P.V. Narasimha Rao

(P.V. Narasimha Rao)

Shri R. Venkataraman
President of India
Rashtrapati Bhavan
New Delhi

Issue the FAX message below to
Vienna.

Al Morgan
6/2/82

JS(A)

Duty Officer
Control Room

Ref 6/2/82
1535 hrs

visibly

Mikeen

by

FAX MESSAGE

From

A.K. Narayanan,
Joint Secretary,
Ministry of Home Affairs,
New Delhi.

To

Shri A.N. Bakshi,
Ambassador,
Indian Embassy,
Austria,
Vienna.

No.1/1/92-Public dated 6.2.1992

President has announced "Bharat Ratna" posthumously for Netaji Subhash Chandra Bose. The award is to be received by next-of-kin. It is understood that both the wife and daughter of Netaji Subhash Chandra Bose are in Vienna. Shall be grateful if you could contact wife of Netaji Subhash Chandra Bose and ascertain her willingness to receive the decoration from the President. Further arrangements will be intimated to you after her willingness is received. Will be grateful for an early message.

A K Narayanan
6/2/92

S. No. 30 CR

10
Public

635/92 Public
12/2/92

10 FEB 1992

Telefax No: 76

From: Indembassy Vienna
To : Home Ministry, New Delhi
Rept: Foreign New Delhi (for JS(EW))

Home Affairs
New Delhi

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101950
AS

MOST IMMEDIATE


A.K. NARAYANAN, JS from Ambassador K.N. BAKSHI

ST3

Refyrfax No.1/1/92-Public dated 6.2.1992 regarding award by President of "Bharat Ratna" posthumously on Netaji Subhash Chandra Bose.

2. Mrs. Emilie Schenk1, wife of Netaji and Mrs. Anita Pfaff, their daughter, do not live in Vienna any longer. They are at Augsburg in Bavaria, South Germany where Anita and her husband teach at the University.

3. I was able to speak to Mrs. Anita Pfaff this morning. She said that her mother is absolutely in no physical condition to receive the award. Even otherwise she frankly told me that they were not happy at the conferment of this award at this stage. She said she was in touch with their other relations in India who were similarly unhappy. However, she said she would think about it, consult other relations and call me back in a week or so. Would keep you informed on hearing from her.


(K.N. BAKSHI)
Ambassador
10.2.1992

SRP

FAX MESSAGE

11
S. Doshi (Issue)

(21)
11

From: Home Ministry, New Delhi.

To : Indembassy Vienna.

No. 1/27/91-Public

dated 13.2.1992

MOST IMMEDIATE

K.N. BAKSHI, Ambassador from A.K. Narayanan, Joint Secretary

Thank you for the message dated 10th February, 1992 regarding the conferment of "Bharat Ratna" posthumously on Netaji Subhash Chandra Bose. Your further communication regarding the final view of Mrs. Emilie Schenkl wife of Netaji regarding acceptance of the Award is awaited.

It may also be conveyed to her that in case she is not in a position to come to India for receiving the Award for health reasons etc. she could nominate any other person to receive the Award. Regards.

Please issue
WS
13/2
Control Room

84
13/2

A.K. Narayanan
(A.K. Narayanan)
Joint Secretary
13.2.1992

12

(22)

NOT TO BE PUBLISHED OR BROADCAST BEFORE THE MORNING
OF 23RD JANUARY, 1992.

PRESS COMMUNIQUE

BHARAT RATNA

The President is pleased to confer the award of
Bharat Ratna Posthumously on Shri Subhash Chandra
Bose.

Rashtrapati Bhavan, New Delhi.
January 22, 1992.

NOT TO BE PUBLISHED OR BROADCAST BEFORE THE MORNING
OF 23RD JANUARY, 1992.

16/1/92
23/1/92

467/Dis (Comm) /92
9/3

353/JS/1/92
5/3

Fax No. 24
No. of Pages: Two

(23)

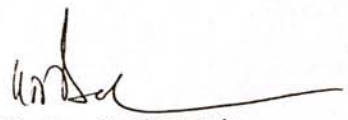
From: Indembassy Vienna
To : Home Ministry, New Delhi
Rept: Foreign New Delhi (for JS(EW))

MOST IMMEDIATE

A.K. NARAYANAN, JS from K.N. Bakshi, Ambassador

Refyr fax No.I/27/91-Public dated 13.2.1992 regarding the conferment of "Bharat Ratna" on Netaji. Enfaxed herewith is the reply received from Prof. Anita B. Pfaff, the daughter of Netaji.

No. VIEN/462/1/92


(K.N. BAKSHI)
Ambassador
23.2.1992

Copy by bag in Confirmation.

2
7/3
D. N. J. S. M.
h. a. / 3
us. (P. 16)
1/3

Page 2 of Fax No. 24

Prof. Anita B. Pfaff

Haldenweg 23
8901 Stadtbergen
Federal Republic of Germany
Tel. (0821) 43 48 12His Excellency
Shri Kamal N. Bakshi
Ambassador of India
Indian Embassy
Kärntnerring

A-1000 Wien

21. Februar 1992

Your Excellency,

Thank you very much for informing me officially about the government's intention to award the Bharat Ratna to my father.

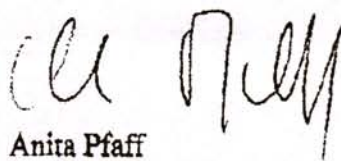
My mother, other members of my family and I ordinarily would welcome honors accorded to my father in memory of contributions made in the context of India's struggle towards independence.

We are aware, however, of the fact that in the past Netaji's achievements and contributions have often not been recognized, particularly when it could be avoided comfortably. Maybe it is not up to me to speculate as to why it was deemed appropriate - at this late stage - to honor him for contributions made more than 45 years ago. But since my mother and I were asked, whether we would receive the award in his place, I cannot help but voice my reservations in the matter. For in my judgement such an honor would have been appropriate in the 1950's, particularly if the award was to be granted also in recognition for achievements during India's quest for independence. Thinking of Netaji in this context so late prompts me, however, to ask, whether his achievements were so minor that he had to stand in line for so long, or so great that they would be remembered even after such a long time. If, on the other hand, the Bharat Ratna was intended as recognition for current achievements in politics, social welfare, the economy and the arts, - and some eminent men and women have received the award for such achievements - I fail to see what relevance my father's work and commitment - much as I personally admire and honor him for that - has in such a context.

Despite my own reservations in this matter I wish to extend my thanks to those who selected him with good intentions. However, in weighing all arguments I cannot help but feel that one cannot honor Netaji today by awarding the Bharat Ratna to him. Forgive me therefore, if I will not be party to an act which in my opinion may well be interpreted as a slight to his memory.

Please do convey our thanks to the government for trying to honor Netaji. I hope, however, that the government will understand and appreciate our point of view.

Sincerely



Anita Pfaff



SECRET/MOST IMMEDIATE

V.R. Srinivasan,
Deputy Secretary
to the Cabinet.

By, No. 177/.....
Dated..... 28/3

COPY NO 1

मंत्रिमण्डल चित्रालय
राष्ट्रपति भवन, नई दिल्ली
CABINET SECRETARIAT
JS IS RASHTRAPATI BHAVAN
NEW DELHI

D.O.No. CCPA/6/91(iii)

Dr. No. 2287.....DS (IS. D)
8/3

6th March, 1991.

Dear Sir,

Subject:- Dispute regarding ashes of Netaji Subhash Chandra Bose and also controversy about whether Netaji is dead or still alive.

The Cabinet Committee on Political Affairs at its meeting held on 27-2-1991 considered the note dated 10-1-1991 from Ministry of Home Affairs on the above subject and approved the proposal contained in para 11 thereof.

Yours sincerely,

V.R. Srinivasan
(V.R. Srinivasan)

Shri R.K. Bhargava,
Home Secretary.

SECRET

C.P.R.
3 copies.

JS (IS) 7/3

R 7/3
DS 7/3

Do III

11/3

MINISTRY OF HOME AFFAIRS
(GRIH MANTRALAYA)

SECRET

NOTE FOR THE CABINET COMMITTEE ON POLITICAL AFFAIRS

Subject: Dispute regarding ashes of Netaji Subhash Chandra Bose and also controversy about whether Netaji is dead or still alive.

In April, 1956, the Government of India, in response to public demand, appointed an Inquiry Committee consisting of Sarvashri Shah Nawaz Khan, Suresh Chandra Bose (elder brother of Netaji Subhash Chandra Bose) and S.N. Maitra, formerly Chief Commissioner of Andaman & Nicobar Islands, to ascertain the circumstances concerning Netaji's alleged death in an air-crash. Two members of the Committee, namely, Sarvashri Shah Nawaz Khan and S.N. Maitra, came to the conclusion that Netaji died in an air-crash at Taihoku (Formosa) on the 18th August, 1945. Shri Suresh Chandra Bose disagreed with these findings and submitted a dissenting report. The majority report was accepted by the Government.

2. The controversy over the disappearance of Netaji was, however, not resolved and demands continued to be made for undertaking another inquiry into the matter. Rumours about Netaji's survival and subsequent appearance elsewhere kept cropping up repeatedly. In response to a demand for fresh inquiry by a number of Members of Parliament belonging to different political parties, the Government decided to appoint a Commission of Inquiry to go into the entire matter in July, 1970. Shri G.D. Khosla, retired Chief Justice of Punjab High Court, was appointed as a one-man Commission to "inquire into all the facts and circumstances relating to the disappearance of Netaji Subhash Chandra Bose in 1945 and the subsequent developments connected therewith and make a report to the Central Government". The Commission

visited Japan, Burma, Thailand, Singapore, Malaysia South Vietnam and Formosa (Taiwan) and examined 224 witnesses including 100 examined abroad. A large number of files and documents were produced and cited in evidence. The Commission arrived at the same conclusion that was reached by the Shah Nawaz Khan Committee in 1956 that Netaji died in an air-crash at Taihoku on the 18th August, 1945.

3. The Cabinet considered the report of the Commission on the 29th August, 1974. A copy of the Note placed before the Cabinet is at Annexure-I. The Cabinet accepted the finding that Netaji had died in an air-crash on the 18th August, 1945 at Taihoku in Taiwan. The report of the Commission along with the Memorandum of Action Taken thereon was laid on the Table of both the Houses of Parliament on 3rd September, 1974.

4. Shri Samar Guha moved the following motion in the Lok Sabha on the 3rd August, 1977:-

'This House having considered the Report (1974) of the Commission of Inquiry into the disappearance of Netaji Subhash Chandra Bose, laid on the Table of the House on the 3rd September, 1974, urges the Government to set up a three-man Commission for conducting a fresh inquiry into the mystery of disappearance of Netaji Subhash Chandra Bose, with power to:

- (a) make additional investigations, where necessary, into the circumstances leading to disappearance of Netaji since August 18, 1945;
- (b) record fresh oral evidence of exceptional importance;
- (c) scrutinise the secret official documents in

- 3 -

possession of the Government of India, which have not been made available to the earlier probing bodies;

- (d) examine external documents, connected with Netaji's disappearance, which should be obtained from the proper quarters and the Governments of Japan, Taiwan, United Kingdom, USA, China and Russia; and
- (e) re-assess all documentary and oral evidence adduced before the Shah Nawaz Committee and the Khosla Commission'.

The discussion on the motion was inconclusive, Shri Samar Guha was the principal speaker, while Shri Sanyal spoke briefly towards the end.

5. In his speech in the Lok Sabha on August 3, 1977 Shri Samar Guha had dealt at length with the mystery surrounding the disappearance of Netaji Subhash Chandra Bose which, according to him, remained to be satisfactorily explained. The points raised by him have been fully examined in the Home Ministry viz-a-vis the findings of the Khosla Commission in the note attached as Annexure II. It will be seen that practically all the points mentioned by Shri Samar Guha have been fully looked into by the Khosla Commission and no fresh grounds relating to these have been advanced to require further investigation. The only new information brought out by Shri Samar Guha relates to some documents included in "The Transfer of Power 1942-47" Volume VI published by the British Government. These documents give an impression that for some months after the Japanese announced the death of Netaji Subhash Chandra Bose in an air crash on August 18, 1945, the British Government were still discussing ways of dealing with him. The documents relied upon are (i) a letter dated 23rd August, 1945 from Sir F. Mulio, Home Member of the

Viceroy's Executive Council to Sir E. Jenkins, Private Secretary to the Viceroy, which examines the various options before the Government for dealing with Netaji Subhash Chandra Bose, and (ii) Minutes of the meeting of the Indo-Burma Committee of the British Cabinet held on 25th October, 1945 in which, while discussing the treatment of Indian and Burmese collaborators with the enemy, it was generally agreed that the only civilian renegade of importance was Subhash Chandra Bose.

6. The news of Netaji's death in an Air crash on the Taihoku air-field in Taiwan on 18th August, 1945 was broadcast by Demei News Agency from Tokyo on the 23rd August, 1945, Sir F. Mudio's letter to the PS to Viceroy, which enclosed a note prepared after discussion amongst British officers, was of the same date. It is reasonable to assume that in point of time the news of Netaji's death might not have been known in India at the time of despatch of this letter. As regards the minutes of the Indo-Burma Committee of the British Cabinet, held on 25.10.1945 the memorandum dated 24.10.45 from the Secretary of State for India (Lord Pethick Lawrence) for consideration by the Indo-Burma Committee refers to Netaji Subhash Chandra Bose in the following words:-

"Apart from Subhash Bose, if he is alive, few of those on the list are at present well known in India".

One can not infer from this that the British Government had information that Netaji Subhasn Bose was not involved in the air crash and had escaped. It is but natural that the British Government did not readily believe the Japanese report of Netaji's death as many people in India including Mahatma Gandhi did not believe it at first. The British Government suspected that the news of the death in an air crash could be an alibi to enable Netaji to escape, till investigations carried out

by their own agencies confirmed the Japanese version towards the close of the year 1946.

7. 45 years have passed since the reports of death of Netaji and during the intervening period there have been moves to have these ashes brought back to India with all the reverence and honour as befitting a man of the stature of Subhash Chandra Bose. Proponents of this line of action include organisations like the All India Freedom Fighters Organisations led by ex-MP Shri Sheel Bhadra Yaji as well as individuals such as Shri L. Joychandra Singh of Manipur. The most recent voices added to this group for the return of Netaji's ashes and who accepted the ashes as being genuine are the members of the INA and colleagues of Netaji, viz., Col. P.K. Sehgal who is Chairman of the Netaji Research Bureau in Calcutta and his wife Col. Laxmi Sehgal. In addition, there are also some family members of Netaji who reportedly accept these views and moves.

8. On the other hand, there are many who still doubt and question the veracity of the ashes. In January, 1982, Shri S.C. Bose had written to the then Prime Minister, Smt. Indira Gandhi saying that there was no proof of the so-called ashes being genuine. The Akhil Bhartiya Azad Hind Sangh, an organisation led by Shri D.K. Jain also subscribe to the theory that that aircrash was fabricated and is opposed to the return of the ashes. In 1984, Shri Nand Lal Sharma claiming to be an associate of Netaji filed a writ in the Rajasthan High Court for a judicial enquiry at an international level on the whereabouts of Netaji. Justice Bhargava on 18th January, 1986 ordered Government of India to examine the case afresh. However, before any action could be taken, the petitioner died. Recently, a notice was received from the Lawyer to the Netaji Subhash Chandra Bose Research Foundation of Jaipur restraining

Government of India from bringing the ashes to India and calling for a fresh enquiry.

9. Meanwhile, in Japan, the Japanese associates of Netaji have been reiterating the request for the ashes to be returned to its original home in India. The Japanese Government has also raised this matter in view of the pressures in Japan. However, in view of the controversy regarding the ashes they understand our view and accept that the status quo should not be disturbed for the present. From time to time, questions concerning the ashes of Netaji in Japan and Netaji's death in the air crash have been raised in Parliament, both in the Lok Sabha and the Rajya Sabha.

10. The Ministry of External Affairs is of the view that it would not be desirable to bring the ashes unless a consensus is first arrived at on the issue.

11. The issue of Netaji's death and bringing of ashes to India is surcharged with emotion. We have already had two enquiries on the disappearance of Netaji Subhash Chandra Bose. It has already been accepted that Netaji Subhash Chandra Bose died in the air crash on the 18th August, 1945 at Taihoku. The Ministry of Home Affairs are, therefore, of the view that no useful purpose would be served by holding yet another inquiry or by bringing the ashes back to India at present as this might created unnecessary tensions.

12. Approval of the Cabinet is solicited to the proposal contained in para 11 above.

13. The Home Minister has seen and approved this note.

Sd/-

(R.K. BHARGAVA)
HOME SECRETARY

No. I/12014/6/90-IS(D.III)

Dated the 10th January, 1991.

Cabinet Secretariat,
New Delhi.

(SANAT KAUL)
JOINT SECRETARY TO THE GOVT. OF INDIA

S.No. 22(R)

105/S/92 Public (33)
5/3/92

SECRET

Dear Sir,

Government of West Bengal
Sub Home Department
Political

010451

I am writing this letter to
Shri Nooruddin Ahmed, No.127-PS
Maulana Abul Kalam Azad
but has not been able to
as he has been in
business and has to
coFrom: Shri N. Chaturvedi,
ward from Special Secy. to the Govt. of West Bengal.
the Family tree.
AzTo: The Secretary
the Late Mahatma to the Govt. of India,
He is also Ministry of Home Affairs,
only except North Block,
wing from New Delhi-110001.
relations.

Calcutta, the 24th February, 1992.

I am further directed to
Subject: Conferment of the award of "Bharat Ratna"
later on you on Shri Subhash Chandra Bose-Request for
kindly see sending the name and particulars of the
have made a legal heir of Shri Bose to the Govt. of India.
ster of India. You may
making a direct contact
at Road Calcutta-700017.
Sir, receipt of this letter
return of M-11.

Encl. 3 With reference to the Ministry's teleprinter
message No.1/27/91-Public dated the 29th January, 1992
addressed to Chief Secretary, Govt. of West Bengal on the
subject mentioned above, I am directed to say that the
matter has been examined by the State Government. Since
it contains complex issues with legal implications, views of the
State Legal Remembrancer have also been obtained. It
transpires that it is not possible to ascertain Shri Bose's
legal heir at this stage due to complex legal and related
difficulties. Under these circumstances, this Government
regrets its inability to indicate the name and particulars
of the legal heir of Shri Bose as requested by the Ministry
of Home Affairs.

Yours faithfully,

Special Secy. to the Govt. of West
Bengal.

Shown to JS (AS).
Pl. keep in the relevant
file.

1/24/92
SB

So (R/S)

Name of the Newspaper

INDIAN EXPRESS

Place of publication

NEW DELHI

Date of publication

JAN 1992

Bharat Ratna to Netaji

Jyoti Basu raps Govt for delay

CALCUTTA - West Bengal Chief Minister Jyoti Basu on Thursday criticised the Centre for its belated decision in awarding the nation's highest award, the Bharat Ratna, to Netaji Subhash Chandra Bose, who had waged an "uncompromising" battle against British imperialism and dedicated his life for the country's freedom.

Paying rich tributes to Netaji on the occasion of his 95th birth anniversary at a central rally opposite the Raj Bhavan, Mr Basu said "we are really happy" that the Centre at last thought it fit to award him with the Bharat Ratna.

But how was that the Government of India could delay such a decision? Netaji was not awarded with the Bharat Ratna for such a long time simply because of "political reasons", he said.

Mr Basu said it was not all. Even the history of the country's freedom movement was sought to be distorted by undermining the armed struggle against British imperialism in various parts of the country, which also constituted an important part of the independence movement.

He explained that the country's freedom movement had two distinct trends - non-violence and armed struggle. Like the non-violence movement a large number of people had also rallied behind the armed struggle, he added.

Earlier, Mr Basu garlanded the full-size statue of Netaji and offered floral tributes on behalf of the Left Front government. A wreath was also placed on behalf of the state Governor. Others who offered floral tributes included city Mayor Pra-

santa Chatterjee, Deputy Mayor Mayor Moni Sanyal and leaders of different front constituents.

Mr Basu, in his forceful speech, said it was high time and in the fitness of things to imbibe the spirit and idealism of Netaji, particularly when the secessionist forces, backed by imperialist clique, were out to tear apart the country's unity.

He said the imperialist forces' current machination was not at all difficult to trace. They did not like to see India play its role in the international forum and thus were out to dictate terms in regard to the country's foreign policy.

Mr Basu said the country was now passing through the most critical time and under the situation Netaji's "uncompromising approach" towards basic issues needed to be recalled time and again. • UNI

24

24
(23)

PRESS INFORMATION BUREAU
Government of India

Name of News Paper

जनसत्ता

Date of Publication

27 JAN 1992

**नेताजी को भारत रत्न देने की
घोषणा वापस लेने का आग्रह**

कलकत्ता, २६ जनवरी (वार्ता)। पश्चिम बंगाल प्रदेश कांग्रेस-(इ) समिति के अध्यक्ष सिद्धार्थ शंकर राय ने प्रधानमंत्री पीवी नरसिंह राव से आग्रह किया है कि वे राष्ट्रपति रामस्वामी वेंकटरामन को नेता जी सुभाष चंद्र बोस को मरणोपरांत भारत रत्न पुरस्कार देने की सरकारी घोषणा वापस लेने का सुझाव दें।

श्री राय ने प्रधानमंत्री को इस बारे में पत्र लिखा है। वे पश्चिम बंगाल विधानसभा में विपक्ष के नेता भी हैं। श्री राय ने पहले भी एक बयान में कहा था कि नेताजी को मरणोपरांत पुरस्कार देने का प्रस्ताव बेतुका है और यास्तव में उस महान नेता का अपमान करने के बराबर है।

Handwritten: Hindustan Times
25th January, 1981
25

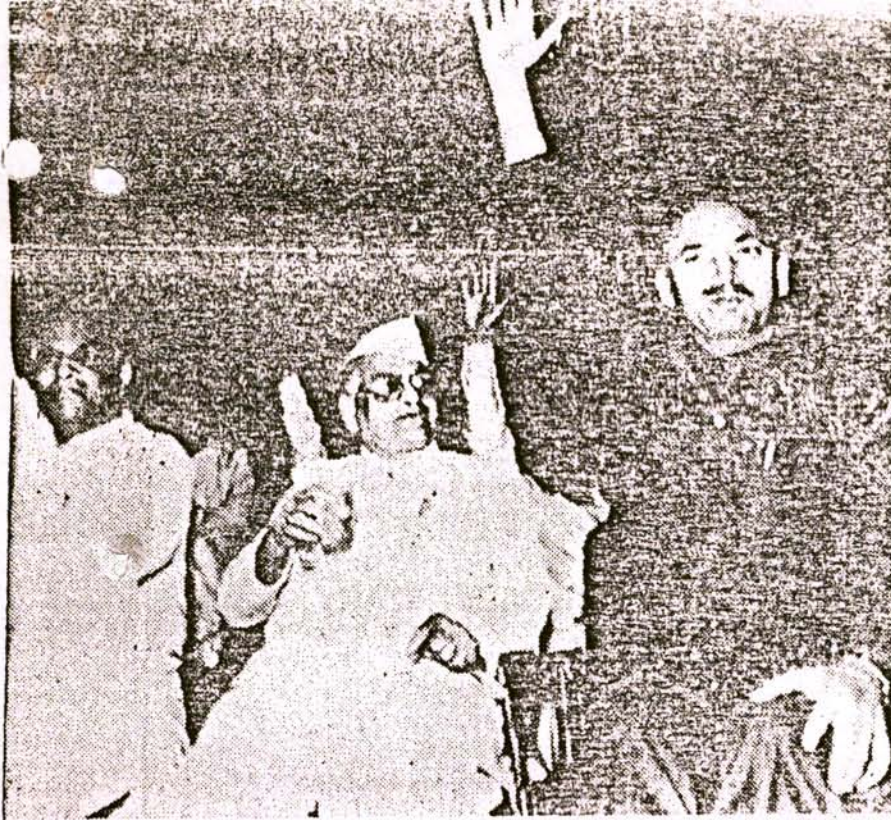
HT Correspondent

GUWAHATI,

Pressure is mounting on the leadership from several districts opposing the proposal with the Government which the ban on the organisation lifted and the Army sent back negotiations can begin. Sources said that in the second February, the general council organisation will meet to discuss the present situation.

Regardless of the statement by prominent ULFA leaders, organisation has not yet been achieved a uniformity of view on question of talks with the Government. It is understood that organisation has intimated the Government of Assam that before might not be physically possible for its leaders to attend a meeting, a thorough discussion can then, the present period during which the army would be withdrawn, might have to be extended.

While there is little doubt about the present leadership headed



Union Parliamentary Affairs Minister Ghulam Nabi Azad (second from right), who was unanimously elected as MPCC president in the 1st session, at Tilak Bhavan in Bombay on Thursday. — PTI photo

are Ray: Bharat Ratan to Netaji absurd

HT Correspondent

CALCUTTA, Jan. 24

The Rashtrapati Bhavan communication on conferring the Bharat Ratna on Netaji Subhas Chandra Bose posthumously as a Republic Day honour this year has placed the Centre in a piquant situation so far as the mood of the people in general is concerned.

With the exception of Chief Minister Jyoti Basu, who though regretting the delay in conferring the high honour on Netaji felt happy that finally the Centre had made amends, the tenor of statements made by others including Mr S. S. Ray (C) of the opposition in the State Assembly, cannot but cause discomfort to the Centre on this count.

In a strongly worded statement, Mr Ray described the proposal to confer Bharat Ratna on Netaji posthumously as "absurd and indeed an insult to his memory". Mr Ray felt that Mahatmaji, Netaji and Panditji "were makers of modern India and not fall within the category of those to whom Bharat Ratnas were awarded".

He said that even if there was justification for giving the award to Panditji for his great work in independent India, persons like Mahatmaji, Netaji, Lala Lajpat Rai, Lokmanya Tilak, the Ali brothers, Motilal Nehru and C. R. Das "stood on an entirely different and celestial pedestals."

Mr Ray further said, "we must make a clear rule that this award will go only to those who worked in or for India after independence in 1947. Or else you will have someone suggesting that Akbar, Ashoka and even Gautam Buddha be made Bharat Ratnas". Mr Ray felt that if we had lost our sense of

have paid proper respect to our past greats "let us not try to demean or belittle them". He hoped the whole of Bengal including the Chief Minister would take it up and no member of Netaji's family would go to receive the award.

Adverse reaction had also come from Netaji's family. Dr Sisir Kumar Bose, one of his nephews, has described it as "a virtual insult" to Netaji.

Apart from the delay in honouring Netaji the "posthumous" nature of it also revived an unsettled controversy. The State BJP has demanded that the Centre specify the date and place where Netaji died because he had now been officially described as dead. The State Forward Bloc also refused to accept the "posthumous" tag attached to the honour.

Channa to take over on Feb. 5

GULBARGA, Jan. 24 (UNI)

Former Andhra Pradesh Chief Minister M. Channa Reddy would assume office as the Governor of Rajasthan on Feb. 5.

Dr Reddy, who stated this in a chat with newsmen here, said he was not aware of any political crisis in Rajasthan.

He said he had learnt about the resignation of three Ministers of the State through Press reports. He would get a first-hand account of the developments in Rajasthan, on assuming office, he added.

Dr Reddy said he was happy with his new assignment. The Centre had consulted him before appointing him as the Governor. "Every post has its charm and responsibility and the rules

Chinese Go to fall soon says Dalai

BILASPUR (Madhya Pradesh)

The Dalai Lama, spiritual leader of the Tibet, predicted decline and fall of Chinese regime in five time.

He was talking to new to the Tibetans rehabilitation Mainpat in tribal district Madhya Pradesh on Wednesday.

When asked about comments in the erstwhile he said "No repressive last long. In the coming years, the Chinese will go the same way", he observed.

He condemned the measures of the Chinese said the Tibetans had solution to their problems. About 2.5 million murdered between 1950-55, 50,000 women subjected to sterilisation or abortion.

The Dalai Lama has been settling 600,000 population on Tibetan. "The Tibetans cannot language in their home, cent of them were added."

Replying to a question the Dalai Lama said he was trying to contact with China for years in order to untangle and had drawn Human Rights Committee the Chinese repression.

About the Indian relations, the Dalai Lama said the Tibetans could culture, lifestyle and they could not do homeland due to

Jan. 24 (HTC)
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Bharat Ratna

In conferring the Bharat Ratna on Netaji Subash Chandra Bose and Maulana Abul Kalam Azad, the nation has honoured two outstanding leaders who had left an indelible imprint on the freedom movement. Maulana Azad lived long enough to play a major role during the initial years of independence, as well. Subash Chandra Bose was not destined to see India's tryst with destiny and freedom. The two leaders were a study in contrast although their ultimate goal was the same. By adopting a line of action totally different from the one followed by the Indian National Congress, Netaji became a rebel and then a revolutionary in the truest sense of the term. Whatever be the criticism he had faced at that time, posterity will remember him as a fearless leader who fought for the country's independence, unconcerned about the risks he had taken. It was due to his leadership that the Indian National Army showed a high sense of patriotism and courage and its sacrifices made the nation proud of it. If Netaji found himself uncomfortable in the Congress, the Maulana remained in the party till the end but he was unhappy at the party's decision to accept the partition of the country. In difficult times he led the party and his role during the transfer of power was crucial.

There is no dispute over the fact that both Subash Chandra Bose and Maulana Azad richly deserved the nation's highest honour, but the thought that it took more than four decades for the country to honour them in this fashion is irresistible. Till recently, the trend was not to go several years back for conferring the Bharat Ratna but that seems to have come to a halt. Sardar Vallabhbhai Patel was posthumously given the award along with Rajiv Gandhi. It is in the right spirit that the nation honours its heroes but delayed recognition of service of these great men and women only highlights how forgetful we have been in the past. To some great men our post-independence governments have been indifferent. It is difficult to decide where a beginning should be made. Strictly speaking, do leaders like Bal Gangadhar Tilak and Gopal Krishna Gokhale not deserve awards? And what about the illustrious names associated not only with the independence movement but also with science, arts, literature and music? Anyway, honour goes to those who deserve it and awards cover only a fraction of them. And some illustrious men and women have done more for the nation than it can do for them in return.

Guns at the grassroots

Successive governments...

The Times of India

at, 23-1-92

P 1

Bharat Ratna for Bose, Maulana Azad

The Times of India News Service

NEW DELHI, January 22.

FOLLOWING pressure from various sections to honour two of the country's great sons, the government has decided to award the highest civilian award of Bharat Ratna posthumously to the



Subhas Chandra Bose

revolutionary, Subhash Chandra Bose, and Maulana Abul Kalam Azad who championed the cause of Hindu-Muslim unity.

The award will be presented at separate ceremonies by President, Mr Venkataraman, at Rashtrapati Bhavan. The dates will be fixed in consultation with the relatives of the two leaders one of whom died even before the country's independence.

Since the Congress assumed

Continued on back page col. 4

HBJ bl sold as

By RAM

SENSITIVE blueprints of the completed by the Gas Authority available as raddi with peanut

According to highly placed the blueprints, both original and by one of the officials of GAIL

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PEANUTS! To the security ee recounted in detail how he one of the departmental head dealer) and sold two sackful apparently found their way to t who used it as paper cones for the canteen people got bits of

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Meanwhile, in Auriya, p the sensitive documents.

Russian offer on de

By PRAVIN SAWHNEY

The Times of India News Service

NEW DELHI, January 22.

RUSSIA has offered to produce jointly with India MiG-29 aircraft and T-72M1 tanks. Sources say Moscow is also willing to negotiate about the T-72S tanks and has offered to sell its MiG-21 production-line.

Joint production means sharing equally the finances, joint research, development and exports. Moscow is also willing to discuss the issue of rupee-rouble exchange and work out a barter exchange or some other arrangement for the joint ventures.

The MiG bureau is located near Moscow and the T-72 tanks are produced in Nizhny Tagil (Ural) and St. Petersburg

At present, India can only produce those equipment for which it has the licence from the

and creation of the C monwealth of Independent S (CIS).

Though, an Indian delegat led by the foreign secretary, N Dixit, that visited Moscow cently—has prepared the ground an agreement that will ensure flow of defence spares for years, sources are sceptical.

The agreement is to be si when the Russian president, Boris Yeltsin, visits India March. But sceptics point to political uncertainty in Russia.

Moreover, the Russian de industry is unlikely to take in sions from the political leader. There seems to be a lot of blood between the two. O nearly nine million workers ployed by the Russian defens dustry about three million lose their jobs any day as d productivity has been st curtailed. And the switch

Pak N-status / Bharat Ratna for Maulana

no hindrance to Japan aid

TOKYO, January 22 (Reuters): Pakistan's alleged development of nuclear weapons was not a major roadblock to Japanese aid and investment, a Pakistani cabinet minister said today.

The finance minister, Mr Sartaj Aziz, told reporters that Pakistan's reluctance to sign the nuclear non-proliferation treaty (NPT) had come up only in "general terms" during a meeting with Japanese foreign ministry officials.

Mr Aziz, on a six-day visit seeking greater Japanese investment, added that Japan was placing no direct link between aid and Pakistan's nuclear capabilities.

The US president, Mr George Bush, halted all military and new economic aid to Pakistan in October 1990 because of worries about its nuclear programme.

US sources said earlier this month that Pakistan had stepped up efforts in early 1990 to make weapons-grade uranium, coinciding with a rapid rise in tensions with India over Kashmir.

Pakistan received 50 billion yen (\$ 406 million) in aid from Japan in 1991 and another 50 billion yen has been pledged for 1992.

BJP to consider plea

when the home minister said something about there being no guarantee for the safety of the

Continued from page 1, col. 1
power at the Centre in June last, various sections had been demanding a suitable honour for Bose and Azad. The matter was also raised in Parliament, particularly in the Rajya Sabha, with the deputy chairman, Mrs Najma Heptullah, assuring the members that she



Maulana Abul Kalam Azad would convey their sentiments to the Prime Minister, Mr P. V. Narasimha Rao.

POPULAR DEMAND: The government's decision has come in the wake of demands by a wide cross section of people to start special

programmes during the golden jubilee year of the "Quit India" movement and enhance pensionary and other benefits of the freedom fighters.

The life of Netaji, who founded the Indian National Army, was dogged by controversies. The revolutionary refused to collaborate with what he called the "super-Nazism" of the British in India. He was a fugitive with a prize on his head. He is believed to have died in a plane crash at Taikoku airport

'Ekta Yatra' reaches Chandigarh

CHANDIGARH, January 22 (PTI): The BJP's *Ekta Yatra* led by its president, Dr Murli Manohar Joshi, reached here tonight about two hours behind schedule after safely covering Haryana and the 40 km sensitive Jhirmiri-Zirakpur stretch in Punjab.

Elaborate security arrangements had been made for the safe passage of the *Yatra* through Haryana and Punjab. Security personnel, comprising police and para-military forces accompanied the convoy, besides being deployed along the roads.

in Japan in 1945 and his ashes have been preserved in an urn in Tokyo's 400-year-old Renkoji temple. However, to Netaji's relatives his death remains a mystery.

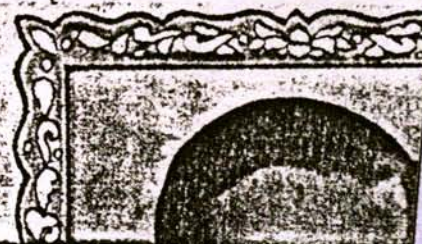
The Maulana was born in Mecca and came to this country with his father, and started an Urdu weekly *Al Hilal* in Calcutta in 1912. He took a leading part in the Khilafat and non-cooperation movements and suffered imprisonment. In August 1942, he was again put in prison for taking part in the "Quit India" movement and released in June 1945. He died in February 1958.

Sushil Muni's condition stable

NEW DELHI, January 22 (PTI): The condition of Acharya Sushil Muni, who was hospitalised yesterday, was today described as stable by the doctors attending on him.

The Acharya is responding well to treatment, doctors said. He was in the U.S. last month where he had set up the first Jain *teerath* (pilgrimage centre) outside India.

AN INSPIRATION... EV
Symbol of Sincerity, Humanity
ON HIS THIRD DEATH AN



28

PRESS INFORMATION BUREAU
Government of India

Name of News paper

दैनिक जागरण

Date of publication

2 JAN 1947

नेताजी को पुरस्कार की घोषणा वापस लें

कलकत्ता, 26 जनवरी (वार्ता) । पश्चिम बंगाल प्रदेश कांग्रेस समिति के अध्यक्ष गिज़ार्थ शंकर राय ने प्रधानमंत्री पी.वी. नरसिंह राय से आग्रह किया है कि यह राष्ट्रपति रामास्वामी वेंकटरामन को नेताजी सुभाष चंद्र बोस को मरणोपरान्त भारत रत्न पुरस्कार देने की सरकारी घोषणा वापस लेने का गुंजाव दें ।

राय ने प्रधानमंत्री को लिखे इस संबंध में पत्र लिखा है । वे पश्चिम बंगाल विधानसभा में विपक्ष के नेता भी हैं । उल्लेखनीय है कि राय ने पहले एक बयान में कहा था कि नेताजी को मरणोपरान्त पुरस्कार देने का प्रस्ताव बेतुका है और वास्तव में उस महान नेता का अपमान करने के बराबर है ।

30
Hindustan Times
27th Jan 1992
Page 7

Plea to withdraw Bharat Ratna

CALCUTTA, Jan. 26 (UNI)
WBPOC chief Siddhartha Shankar Ray has requested Prime Minister P. V. Narasimha Rao to advise the President to withdraw the official announcement about awarding the Bharat Ratna to Netaji Subhas Chandra Bose posthumously.

Mr Ray, who is also leader of the Opposition in the West Bengal Assembly, sent a letter to the Prime Minister in this regard.

The PCC chief had earlier said in a statement that the proposal to award Bharat Ratna posthumously to Netaji "is absurd and, indeed, an insult to the great leader".

Just when you
it couldn't be

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**MOST IMMEDIATE
SPECIAL MENTION**

RAJYA SABHA SECRETARIAT
(Legislative Section)

Subject: Mentioning of matters of urgent Public importance

An extract from the Rajya Sabha Debate dated the
7th August, 1991.....containing a matter of Urgent Public Importance
(Special Mention) raised in the House by
Shri. Pramod Mahajan, M.P.
.....is enclosed,
with the request that the same may kindly be placed before the Minister of
Home Affairs.....

The reply to the Member concerned on his/her Special Mention may kindly be
sent direct to him/her (and not through this Secretariat) by the Minister, under intimation to this
Secretariat.


(Mukul Pande)
Legislative Officer
Tel. No. 695727

✓ The Ministry of Home Affairs, New Delhi.

U.O. No. RS. 4/3/91, dated the 12th August, 1991.

Copy to the Ministry of Parliamentary Affairs New Delhi, for information

Public

DEMAND FOR
SPECIAL PROGRAMMES AND CONFERMENT OF "BHARAT RATNA"
ON MAULANA ABUL KALAM AZAD AND NETAJI SUBHASH CHANDRA
BOSE DURING GOLDEN JUBILEE YEAR OF 'QUIT INDIA MOVEMENT'

श्री प्रमोद महाजन {महाराष्ट्र} : उपसभापति महोदया, आज सत्र का अन्तिम दिन है और परसों 9 अगस्त को भारत छोड़ो दिन है। लेकिन इस वर्ष भारत छोड़ो दिन की एक विशेषता है। यह भारत छोड़ो आन्दोलन का स्वर्ण जयंती वर्ष है। हम सभी जानते हैं कि राष्ट्रीय कांग्रेस द्वारा छेड़ा गया भारत छोड़ो आन्दोलन हमारे स्वाधीनता आन्दोलन का सब से संघर्षमय सफलतम पर्व था। इसी के कारण अंग्रेजों को अन्तिमतः भारत छोड़ना पड़ा। मोलाना अबुल कलाम आज़ाद उस समय कांग्रेस के अध्यक्ष थे। महात्मा गांधी द्वारा भारतीय जनता को दिये गये "करो या मरो-डू और डार्ड" के इस आदेश के कारण ही उन्होंने अंग्रेजों को भारत छोड़ो का आदेश दिया तथा उसमें सफलता मिली। यह भारत छोड़ो आन्दोलन का स्वर्ण जयंती वर्ष है। हम सब को इस वर्ष को बड़ी धूमधाम से मनाना चाहिये। मुझे इस बात का आनंद है कि महाराष्ट्र सरकार की ओर से और वही के स्वतंत्रता सेनानियों की ओर से कुछ कार्यक्रमों का आयोजन 9 अगस्त से प्रारम्भ होगा। लेकिन उम्मीद है कि केन्द्रीय सरकार की ओर से इस स्वर्ण जयंती अवसर की ओर बिल्कुल ध्यान नहीं दिया गया है, न किसी समिति का निर्माण किया है, न कोई कार्यक्रम की योजना की है।

{जे. पर क्रमशः}

श्री प्रमोद महाजन [क्रमागत] : हो सकता है कि "विदेशियों की गुलामी", "भारत छोड़ो", "कम इंडिया" का यह जो आर्थिक वायुमंडल बना है इसमें शायद हम "क्विट इंडिया" को भूल गये हो। इसलिए मैं इस विशेष उत्सव के माध्यम से केन्द्र सरकार से आग्रह करता हूँ कि जब हिंदुस्तान के स्वतंत्रता आंदोलन का यह सबसे स्वर्णिम पर्व था, तड़ाई की दृष्टि से, तो इसके लिए केन्द्र सरकार एक समिति का गठन करे, कुछ विशेष कार्यक्रम ले। मैं जानता हूँ इसके पड़ते भी डाक तार विभाग की ओर से इस पर टिकट जारी किया/या लेकिन यह स्वर्णिम जयंती अवसर होने के कारण एक विशेष डाक टिकट भी इसके लिए जारी किया जाए।

दूसरा बहुत से स्वतंत्रता सेनानियों की पेंशन की मांग है जो आज तक वैसे ही परिलुपित पड़ी है। इसलिए इस 9 अगस्त को जो स्वर्णिम जयंती वर्ष है, भारत छोड़ो आंदोलन का, इसमें क्या हम यह निर्णय ले सकते हैं कि इस वर्ष के समाप्त होने के पड़ते हिंदुस्तान में कोई ऐसा व्यक्ति नहीं रहेगा जिसको इसके प्रति शिकायत हो। उसके साथ साथ जैसे हमने स्वतंत्रता आंदोलन के कार्यक्रम में किया था क्या हम इस भारत छोड़ो आंदोलन को लेकर स्वतंत्रता सेनानियों को जिनकी संख्या कम है आयु ज्यादा है, किसी नयी योजना के अंतर्गत अधिक रूपा दे सकते हैं? इन सारी चीजों का विचार करके, ऐसा कि मैंने कहा, परसों से ही कार्यक्रम शुरू हो सकता है। इसलिए भारत सरकार तुरंत इस पर विचार करे, यह भारत सरकार से मेरी इस उत्सव के द्वारा मांग है।

[समाप्त]

SHRI JAGESH DESAI: Madam, I fully associate with him. I am one of those who took part in the Quit India Movement. I feel that, as Maharashtra Government has done, the Central Government should also organise the same kind of things and awaken the people regarding the integrity and oneness of the country. This type of programmes should be organised so that the people of India would think that we are one people and the country is one. On that line some programmes should be chalked out so that the younger generation and all of us can draw inspiration from that and we shall try to see that India becomes very strong and united.

श्री चतुरानन मिश्र : मैं एसोसियेट करता हूँ।

उपसभापति: मैं आपको बुलवा दूंगी। एक एक करके होगा। बहुत महत्वपूर्ण सवाल है।

SHRI N.K.P.SALVE: Madam, I associate entirely with the very patriotic and very noble demand made by Pramodji. It is heartening to see him take the names of Maulana Abul Kalam Azad and Gandhiji with such reverence. I congratulate him very much.

SHRI PRAMOD MAHAJAN: I have all the respect for both these personalities right from the beginning of my life.

SHRI N.K.P.SALVE: I am extremely delighted and I congratulate you.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam, I associate myself with him.

श्री चतुरानन मिश्र [बिहार]: उपसभापति महोदया, जो अभी माननीय सदस्य ने कहा मैं उसका पूरा समर्थन करता हूँ। इस बार हम लोगों ने इसकी योजना बनाई है। मैं भी फ्रीडम फाइटर हूँ और 1942 के आंदोलन में "क्विट इंडिया मूवमेंट" में मैंने हिस्सा लिया था। बिहार में हम लोगों ने फ्रीडम फाइटर एसोसियेशन की ओर से पूरा इसकी योजना बनाई है। जहाँ जहाँ गोली चली, जहाँ जहाँ लोग मारे गये, हर जगह हम लोग उनके लिए एक स्मृति बनाएंगे और हर जगह एक आयोजन करेंगे तथा उनके बाल बच्चों को देखेंगे ...[व्यवधान]

एक बात मैं सिर्फ इसमें जोड़ना चाहूंगा खासकर इसलिए कि यहाँ गृह मंत्री जी भी हैं, कि हमारे पास कुछ आर्मी के लोग आते हैं जिन्होंने रिवोल्ट किया था, 1938 से लेकर 1945 के पहले कई जगह आर्मी रिवोल्ट हुए थे। उन लोगों की हालत बहुत खराब है। अंग्रेजों ने तो उनको निकाल दिया कोर्ट मार्शल करके। उन्होंने हम लोगों के ही कहने पर रिवोल्ट किया था। इसलिए ऐसे जो फ्रीडम फाइटर के केसेज हैं, जैसा कि उन्होंने कहा कि बाकी सबको किया जाए, मैं कहना चाहता हूँ कि उसके साथ इनको भी दी जाए। यह तो नहीं है कि बार बार फ्रीडम फाइटर जन्म लेंगे। जिन्होंने जन्म लिया था उन्हीं का होगा। इसलिए टाइम बाउंड करके ऐसे केसेज खत्म कर लिए जाएं और इनमें अंग्रेजों की फौज में जिन्होंने रिवोल्ट किया था उनको शामिल करके उनको तुरंत रिलीफ दिया जाए।

[समाप्त]

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31

THE DEPUTY CHAIRMAN: Mr. Murlidhar Chandrakant Bhandare. Yes, I call your name.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam, I fully associate with him. I am brief with my words.

THE DEPUTY CHAIRMAN: Very good.

श्रीमती कमला सिन्हा : उपसभापति महोदया, हमारे साथी श्री प्रमोद महाजन जी ने जो स्पेशल मेशन किया है उसके साथ मैं एसोसियेट करती हूँ और एसोसियेट करते हुए इतना कहना चाहती हूँ कि भारत के स्वतंत्रता के संग्राम का जो हमारा इतिहास है, लगभग सौ साल पुराना इतिहास है अगर उसको हम भुला देंगे, अगर हम अपने अतीत को भुला देंगे तो हमारा वर्तमान कुछ नहीं रहेगा और हमारा भविष्य भी कुछ नहीं रहेगा।

क्रमशः के पर

श्रीमती कमला सिन्हा :...इसलिए, यह बहुत अच्छा प्रस्ताव लाये हैं और मैं इसका पूर्ण रूप से समर्थन करती हूँ।

श्री दिग्विजय सिंह :...महोदया, मैं श्री प्रमोद महाजन जी की बात का पूरा समर्थन करते हुए सिर्फ एक बात आज सरकार से अर्ज करना चाहूँगा कि क्योंकि मौलाना अबुल कलाम आजाद 1942 में जब यह आंदोलन छेड़ा गया था, तो कांग्रेस के अध्यक्ष थे और आजादी की लड़ाई के उस श्रेणी के सारे लोगों को करीब-करीब जो बाद में सरकार में आए, उन लोगों को भारत रत्न दिया गया है, मौलाना आजाद अकेले आदमी इस श्रेणी में बच रहे हैं, जिनको भारत रत्न की उपाधि नहीं दी गई है।

मैं सरकार से गुजारिश करूँगा कि अगर यह स्वर्ण जयंती मनाई जा रही है, तो इस मौके पर मौलाना आजाद को भारत रत्न की उपाधि दी जाए।

SHRI JAGESH DESAI: We all support this.

श्री मोहम्मद अफज़ल उर्फ़ मीम अफज़ल :...उत्तर प्रदेश: मैं इसकी तारीफ़ करता हूँ।व्यवधान

डा० रत्नाकर पाण्डेय: सारा सदन इसका समर्थन करता है।व्यवधान मौलाना आजाद को भारत रत्न से सम्मानित किया जाए।व्यवधान

श्री विठ्ठलराव माधवराव जाधव :...महाराष्ट्र: मैं सरकार से प्रस्ताव करूँगा कि सुभाष चंद्र बोस को भी भारत रत्न दिया जाए, क्योंकि पं० जवाहरलाल नेहरू, सरदार पटेल और मौलाना आजाद के साथ उन्होंने भी बहुत बड़ा योगदान दिया है। मौलाना आजाद और नेता जी सुभाष चंद्र बोस, दोनों को ही भारत रत्न से सुशोभित किया जाए।

श्री राम नरेश यादव :...उत्तर प्रदेश: श्री प्रमोद महाजन जी ने जो प्रस्ताव रखा है, वह बहुत ही महत्वपूर्ण है और इस पर गंभीरता से विचार करके जल्दी एक कमेटी बनाई जानी चाहिए। साथ ही साथ मौलाना अबुल कलाम आजाद जैसे विख्यात स्वतंत्रता सेनानी, जिनका देश को बनाने में बड़ा योगदान रहा है, उनको निश्चित रूप से भारत रत्न की उपाधि देने के बारे में सरकार को सोचना चाहिए। इन्हीं शब्दों के साथ जो प्रमोद महाजन जी ने प्रस्ताव रखा है, अपने को उससे सम्बद्ध करता हूँ।

SHRI MENTAY PADMANABHAM (Andhra Pradesh): At the earliest opportunity the Government should make an announcement conferring Bharat Ratna on the great patriot, Maulana Abul Kalam Azad.

SHRI N.K.P. SALVE: On behalf of the House I would urge upon you to write to the Prime Minister about what has been stated by the honourable Shri Digvijay Singh regarding conferment of Bharat Ratna on Maulana Abul Kalam Azad as the sentiment of the House.

THE DEPUTY CHAIRMAN: The Home Minister is here and I am sure he will convey to the Government the feelings of the House regarding the Quit India Movement and giving Bharat Ratna to Maulana Azad and also to Subhas Chandra Bose.

SHRI N.K.P. SALVE: I am sure the Home Minister will do it. But on behalf of the House we urge upon you, we implore you, to convey our sentiments to the Prime Minister yourself and that would be in the fitness of things. I hope you will oblige the whole House.

THE DEPUTY CHAIRMAN: Considering the sentiments of the House I agree to write a letter on behalf of the House.

[Shri Vasant Sathe]

I find sometimes a contradiction in our behaviour. Statues or portraits are normally unveiled of only those who are no more with us. It is very seldom, except in the South, that a statue is unveiled of a person who is still alive. Normally it is not done. In the present case, on the one hand, we have unveiled the statues and portraits; on the other hand, we are maintaining that he is still alive. I think there is some contradiction which needs reconciliation.

If, for any reason, it is felt that the recommendation or report of the Commission is wrong, throw it out and have another fresh enquiry. In all seriousness, I would submit to Morarjibhai that the only authority on this subject, who can go into it, who can really go to the areas where there is a likelihood of finding Subhas Chandra Bose is Prof. Samar Guha. He has photographs with him. I think, there should be a one-man Commission I am saying it in all humility and seriousness and that should be headed by Prof. Samar Guha. He can take all the assistance, the entire Government machinery can be placed at his disposal and he might even take the assistance of your scientific astrologer. There is substance in astrology and may be that it would help. But if any one can find Netaji Subhas Chandra Bose for us and if on any one's behalf supposing Netaji has taken *sanyas*, as the Astrologer says, and even then if any one can persuade him to come even in *sanyas* at least to give *darshan* to his people, it is only Prof. Samar Guha and nobody else. He has such a devotion and completed identification that you cannot find in anyone else. I would request the hon. Prime Minister, Shri Morarji Desai to appoint a one-man Commission headed by Prof. Samar Guha, give him all the assistance than one can think of. Let him try his best to bring Subhas Chandra Bose to this land.

With these words, I conclude.

THE PRIME MINISTER (SHRI MORARJI DESAI): Mr. Chairman, Sir, I may differ sometimes from hon. friend, Mr. Samar Guha, but I can never doubt, even in my sleep, his sincerity. I have great admiration for the dedication with which he is pursuing this cause and yet we have to be realistic in this matter.

There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 at Taihoku air-field during his air-journey to Manchuria, one by a Committee presided over by Maj. General Shah Nawaz Khan and the second by a one-man Committee of enquiry headed by Shri G. D. Khosla, retired Judge of the Punjab High Court. The Majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed. Some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive. At the same time, Government feels that no useful purpose would be served by having any further inquiry. I hope that in the light of this statement, my hon. friend will withdraw his motion.

PROF. SAMAR GUHA (Contai): Sir, Today is a great day for the whole Indian people, because a mortal sin, a treacherous crime that was committed against the epic hero of Indian freedom has been undone. If I say that Netaji was given burial, out of political conspiracy, it would not be an exaggeration. Although there was not an iota of doubt or any positive proof to the contrary that the plane crash was nothing but fake, and the alleged crash did not involve Netaji at all.

I congratulate the Prime Minister on behalf of the Indian people, the Government as well, for the very bold and courageous steps and the decision that they have taken today. It is not an easy matter to undo the findings of the two Inquiries.

I also congratulate the representatives of all the parties in this House, all of whom, about 25 of them, who spoke in this House on earlier occasions on this resolution and who lent their unanimous support to the demand to undo the Khosla Commission's Report.

I would also remind this House that earlier about 400 members of both the Houses, this House and the other House, had in a joint memorandum urged upon the Government for a fresh inquiry on Netaji on the basis of which the Khosla Commission was set up.

It is a matter of extreme regret that it required three decades for our nation to undo, I would say, the mischief that was done against the revolutionary pilgrime of India. Would there have been the freedom, as you call it, would the British imperialists have quit India so precipitously being the victor of the last War if there had not been a fatal blow by Netaji Subhas Chandra Bose? What now I would say is not my word, but is the word of Lord Attlee who, as a private citizen, came to India. It has been quoted by Shri R. C. Mazumdar in his book, "History of Indian Independence". He was asked "Why did the British quit India so precipitously?". Lord Attlee said: "Because of the activities of Netaji Subhas Chandra Bose".

It is now the accepted fact of history that Mahatma Gandhi prepared the background of Indian freedom and it is Netaji Subhas Chandra Bose who achieved it. But not the freedom as you find today. It is not the freedom of either of the dream of Mahatma Gandhi or Netaji Subhas Chandra Bose.

I am not angry like Mr. Dhiren-dranath Basu or anybody for not finding the name of Netaji in the *Doordarshan* on the 15th August. I am very glad that they did not mention the name of Netaji on the 15th August because anybody having the real meaning of the Independence that we achieved on the 15th August would not mind it. At least, I never attend any function nowhere, not for even a day on the 15th August—may be, personally, to me, it is a day of national betrayal. I remember, Mahatma Gandhi, remained unknown at Balighata, at the mid-night of 15th August and he did not bless, did not even send a message of congratulations on this kind of Independence, that we achieved. Therefore, I am not at all worried about it. I am glad that his name was not mentioned on the 15th August because his name should be mentioned either on 26th January or 21st October, the day on which Netaji declared the Provisional Government of India and declared a war of Indian liberation against the British imperialists.

Today, I express my gratitude to the Prime Minister because today ends a crusade that in my humble way I was trying to conduct on behalf of the people of India at least to see that officially and legally Netaji is not declared dead. How, by undoing the findings of the two Reports, at least this much we have achieved that, today, Netaji is neither legally nor officially dead.

What happened to him? Whether there will be any useful purpose served by having a fresh enquiry or not is a question which I will answer later. But I want to draw the attention of the Prime Minister to the fact that what has been done by this Government has been done by Khosla himself. He himself repudiated his own findings in a recent case in Calcutta. There was the report of the Khosla Commission and, just after the publication of this Report, I published a book called 'The Last Days of Netaji'. This is nothing but

(M)

[Prof. Samar Guha]

almost a verbatim reproduction of the Commission's Report, having just some linking up here and there. At least in 27 places he described Netaji as a puppet of Japan, a tool of Japan, a quisling, and what not. Why did he do so? Do you know? It was because he found that the testimony of the witnesses—Japanese or otherwise—would not justify his findings that Netaji really died in the plane crash. Therefore, he had to build up some political thesis and he did it without having any kind of evidentiary support. No witness anywhere mentioned that Netaji acted or subjected himself to act as a puppet or a quisling of Japan—not a single witness said so. Yet he mentioned this about 27 times only to give justification to his finding. His political thesis was that to the man whom Japan considered as nothing but a puppet and quisling, they could not give any protection to him, endangering their own national interest as against the wrath of the Anglo-American powers under whose occupancy they were after the war.

The family members of Netaji filed a defamation case against Mr. Khosla—against this Report and against his book also—and he had to render an un-conditional apology. I want to keep on record in this House what he said while tendering his un-conditional apology. I will read it out. He said:

"I...do hereby tender my un-qualified apology to the complainant, Shri Dwijendra Nath Bose and other members of the family of Netaji and to our countrymen, who have felt hurt and aggrieved owing to the impugned passages in the said book concerning one of the greatest sons of India and his nephews.

I would also express for myself that I sincerely share in common with my countrymen the deepest regard for Netaji who is regarded as the LIBERATOR of our MOTHER-LAND and was christened by no less a person than Mahatma Gandhi, the Father of the Nation as "THE PATRIOT OF PATRIOTS—THE

PRINCE OF PATRIOTS" as one of the greatest sons of India.

I am prepared to make due and adequate amends to have the case compounded according to law and also undertake to have the apology herein contained published fully and adequately through advertisement inserted in leading newspapers in Calcutta, Delhi, Bombay, and Madras and other State Capitals of India as also in newspapers of countries where the said impugned publication has been circulated, to freeze stocks of the impugned book left with me, my publishers and their agent and not to sell or reprint the same and also to supply copies of the apology to the leading book-sellers where the book has been displayed for sale, requesting them to hang up the same in public view.

I hope and trust this apology will be accepted and the case will be compounded according to law."

So, Mr. Khosla has repudiated it himself—and the publisher also did so. I don't want to read it out; it is almost in the same language. I will quote only a few words: The publisher said:

"We confess that we were not aware of the offending contents and the implications thereof as we were only executing orders placed with us for the performance of our professional job as printers and publishers.

If we were aware of such contents, which traduced the honour of one of the greatest sons of India, we would certainly not have been a party to the printing and publishing of the impugned book in respect of which we have inadvertently become involved in our aforesaid capacity. We hereby make due and adequate amends for our said inadvertent laches by tendering our unqualified apology to the complainant, Shri Dwijendra Nath Bose, and other members of the family of

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diated it him also did so. it: it is almost I will quote The publisher
we were not g contents and of as we were s placed with e of our pro- ters and pub-
of such con- d the honour sons of India, t have been a and publishing in respect of inadvertently our aforesaid make due and our said in- tending our o the com- ra Nath Bose, the family of

Netaji and also to our countrymen for this publication."

I got the indulgence of this House when, last time, I made an one-hour-and-forty-five-minute speech marshalling all facts why I believed that the plane crash was nothing but a fake. But I felt that I could not fully convince this House. After that, what I jotted down something in the jail,—I had recast then and, very hurriedly, published this book, called "Netaji dead or Alive?" Fortunately, I have the cuttings of the review of the book from almost all the leading papers of the country. All the leading papers that are brought out from various metropolitan cities have, unanimously, in their reviews, commented that this book has conclusively proved that Netaji did not die in the air crash. I know many things, but I have not mentioned in the book anything that was not found in the documents that were produced before the Shah Nawaz Khan Committee or the Khosla Commission or in the documents that were later published in the British papers—I mean, the secret papers that have been recently published. All the newspapers have commented unanimously that it has been conclusively proved that Netaji did not die in the air-crash.

If Netaji did not die in the air-crash, then what happened to him? It is our moral obligation to know what happened to him. The Prime Minister has said that no useful purpose will be served by having a fresh inquiry. I agree. But the reason is different. For me, there is no necessity any more of any fresh inquiry. I got the report quite earlier and some important information also from very responsible quarters that Netaji is alive. I made frantic searches all over the country to try to find any kind of clue—if that could provide any positive information that Netaji is alive. Yet, I could not be absolutely sure about the veracity of the information that I received earlier. I have, therefore, been very careful; if you

remember, whenever I said anything in the House, I have always used the expressions,—“I believe, Netaji is alive”, “I hope, Netaji is alive”, “I pray to God that Netaji should be alive”, and “I dream that Netaji is alive”. Even when I wrote this book, I had a certain shadow of doubt in me; for that reason, in the title of this book, I have kept a query, a question-mark, if ‘Netaji Dead or Alive?’

I know that many people feel that I am a crazy person, I am a gullible person; and I am easily subject to believe any kind of rumour about Netaji being alive. I know that. I know even that many people consider me as childish when I wear this Netaji badge. Many people say that I am using it for political purposes. At my age, to have this badge unfailingly—what it is, I know; what is this meant to be, I know.

But I am thankful to God that my quest, my search and my mission to know whether Netaji is dead or alive has been fulfilled to-day. To-day for me there is no question of indecisiveness in any way. In the name of God I announce in this House that I know that Netaji is alive.

Naturally my friends will ask the question, why then are you not divulging his whereabouts? I am too eager, too impatient to let the country know what I know, but, then I have not the freedom yet to disclose what I know...

SHRI SHYAMNANANDAN MISHRA (Begusarai): Why?

PROF. SAMAR GUHA: What I know, if I divulge now then everyone of you will jump up if I say something and if I show you something to prove what I have said. But, I have not the freedom yet. But this much I can say, Netaji is nowhere under duress. He is a free man. I also

[Prof. Samar Guha]

believe that the time is not very far off when the country will also know positively that Netaji is alive. I know when he reappears there will be some kind of a political earthquake in this country. To-day I pray to God with all my countrymen that Netaji may be in good health and we may get back the greatest revolutionary pilgrim of our country, the epic ere of Indian freedom, the greatest patriot of our country, the Netaji of the Indian people back in our midst so that he may lead the destiny of our people to their cherished goal.

I again pray to God along with all of you so that Netaji keeps well and we get him back in our midst as early as possible.

Sir, again, I thank the Prime Minister, the government and all friends for lending all kinds of support in undoing the mortal sin and the crime that was committed against Netaji. To-day I will only again pray to God, God, give back our Netaji to us.

Jai Hindi, Jayatu Netaji.

MR. CHAIRMAN: Are you withdrawing your motion?

PROF. SAMAR GUHA: There is no necessity of any fresh inquiry because I know Netaji is alive.

MR. CHAIRMAN: So, is it the pleasure of the House to permit him to withdraw his motion?

SOME HON. MEMBERS: Yes.

The substitute motion was, by leave, withdrawn.

17.55 hrs.

MOTION RE: LARGESCALE DISTRESS SALE OF RAW JUTE BY THE GROWERS

SHRI CHITTA BASU (Barasat): Mr. Chairman, Sir, with your permission, I beg to move:

"That this House do take note of the situation arising out of the large scale distress sale of raw jute at prices lower than the statutory price in West Bengal and other jute growing States and urges upon the Government to take appropriate actions to ensure remunerative price for the growers".

Mr. Chairman, Sir, I think you would agree with me that the Motion this House is discussing now is of vital importance not only for a large number of our people but also for the entire nation.

You know, Sir, that jute which we formerly called 'golden fibre' has played a very important role in the economy of our country and, particularly, in the rural economy of the jute growing States. It is quite well-known that the jute manufacturers account today for nearly 7 per cent of our total foreign exchange earnings. It is also well known that over 2 lakhs of industrial workers are directly employed in the jute industry. About twenty lakhs of our people are directly employed in the jute industry. About 20 lakhs of our people earn their livelihood from the secondary trade to the sectors of the jute industry.

17.57 hrs.

[SHTI N. K. SHEJWALKAR in the Chair]

It is also to be mentioned in this connection that more than forty lakhs of our Indian families or thirty lakhs of farmers of six jute growing States are engaged in the production and cultivation of jute.

42

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STATUTES AND RULES RELATING TO THE AWARDS OF BHARAT RATNA, PADMA VIBHUSHAN, PADMA BHUSHAN AND PADMA SHRI.

The following is a reprint of Notification Nos. 1-Pres./55, 2-Pres/55, 3-Pres/55 and 4-Pres/55, dated 8th January, 1955, as amended upto 1st January, 1969.

OFFICE OF THE SECRETARY TO THE PRESIDENT.

NOTIFICATION

New Delhi, the 8th January, 1955.

No. 1-Pres./55—The President is pleased to make the following revised regulations for the award of the decoration BHARAT RATNA in supersession of those published in Notification No. 1-Pres./54, dated the 2nd January, 1954:—

1. The decoration shall be conferred by the President by a Sanad under his hand and seal.

2. The decoration shall be in the form of a Peepul leaf, two and five-sixteenth inches in length, one and seven-eighth inches at its greatest breadth and one-eighth of an inch in thickness. It shall be of toned bronze. On its obverse shall be embossed a replica of the Sun five-eighths of an inch in diameter with rays spreading out from five-sixteenths of an inch to half an inch from the centre of the Sun, below which shall be embossed the words BHARAT RATNA in Hindi. On the reverse shall be embossed the State Emblem and motto in Hindi. The Emblem (but not the motto), the Sun and the rim shall be of platinum. The inscriptions shall be of @burnished bronze.

3. A sealed pattern of the decoration (manufactured according to the specifications described above and the drawing in the annexure to these regulations) shall be deposited and kept.

4. The decoration shall be worn round the neck by a white riband $\frac{1}{2}$ one and a half inches in width.

5. The decoration shall be awarded for exceptional service towards the advancement of Art, Literature and Science, and in recognition of public service of the highest order.

6. Any person without distinction of race, occupation, position or sex shall be eligible for the award.

7. The decoration may be awarded posthumously.

8. The names of the persons, upon whom the decoration is conferred, shall be published in the Gazette of India and a register of all such recipients shall be maintained under the direction of the President.

*9. The miniature of the decoration which may be worn on certain occasions by recipients shall be half the size of the BHARAT RATNA, and a sealed pattern of the said miniature shall be deposited and kept.

10. The President may cancel and annul the award of the decoration to any person and thereupon his name shall be erased from the Register and he shall be required to surrender the decoration and the Sanad. But it shall be competent for the President to restore the decoration and Sanad and to withdraw the orders of cancellation and annulment. The notice of cancellation or restoration in every case shall be published in the Gazette of India.

11. All persons upon whom the decoration BHARAT RATNA was conferred under the Regulations issued with Notification No. 1-Pres/54, dated the 2nd January, 1954, shall, for all purposes of these Regulations, be deemed to be persons on whom the decoration BHARAT RATNA has been conferred by the President.

ANNEXURE BHARAT RATNA

Obverse



Reverse



@Inserted vide President's Sectt. notification No. 6-Pres/57, dated 26th January, 1957.

% Substituted vide President's Sectt. notification No. 10-Pres/56, dated 20th February, 1956.

* Inserted vide President's Sectt. notification No. 27-Pres/56, dated 10th September, 1956.

No. 2-Pres/55—The President is pleased to make the following revised regulations for the award of the decoration **PADMA VIBHUSHAN** in supersession of those published in Notification No. 2-Pres/54, dated the 2nd January, 1954:—

1. The decoration shall be conferred by the President by a Sanad under his hand and seal.

2. The decoration shall be mainly circular in design, with a geometrical pattern superimposed on the circle (as in the representative drawing in the annexure). The diameter of the circular portion of the decoration shall be one and three-fourth inches and the thickness of the decoration shall be one-eighth of an inch. The geometrical pattern shall be composed of the outer lines of a square of one and three-sixteenths inches side, centrally placed on each side of which shall be a rectangle projecting beyond the rim thereby breaking the circumference of the circular design of the decoration. A knob shall be embossed within each of the outer angles of the geometrical pattern. There shall be a raised circular space of diameter one and one-sixteenth inches forming the centre-piece of the decoration. On the obverse a lotus flower shall be embossed in this circular space. The name of the decoration shall be embossed in Hindi, with the word **PADMA** placed above and the word **VIBHUSHAN** placed below the lotus flower. On the reverse shall be embossed the State Emblem and motto in Hindi below it. The decoration shall be of toned bronze. @The inscription **PADMA VIBHUSHAN** on the obverse of the decoration, the geometrical pattern on either side and the border around the periphery, shall be of burnished bronze. All embossing on either side of the decoration shall be of white gold.

3. A sealed pattern of the decoration (manufactured according to the specifications described above and the drawing in the annexure to these regulations) shall be deposited and kept.

4. The decoration shall be worn by men on left breast, suspended from a plain lotus pink riband one and a quarter inches in width; and by women on the left shoulder, suspended from a riband of the same colour and width fashioned into a bow.

5. The decoration shall be awarded for exceptional and distinguished service in any field including service rendered by Government servants.

6. Any person without distinction of race, occupation, position or sex shall be eligible for the award.

7. The decoration may be awarded posthumously.

8. The names of the persons, upon whom the decoration is conferred, shall be published in the Gazette of India and a register of all such recipients shall be maintained under the direction of the President.

*9. The miniature of the decoration which may be worn on certain occasions by recipients shall be half the size of the **PADMA VIBHUSHAN**, and a sealed pattern of the said miniature shall be deposited and kept.

10. The President may cancel and annul the award of the decoration to any person and thereupon his name shall be erased from the Register and he shall be required to surrender the decoration and the Sanad. But it shall be competent for the President to restore the decoration and Sanad and to withdraw the orders of cancellation and annulment. The notice of cancellation or restoration in every case shall be published in the Gazette of India.

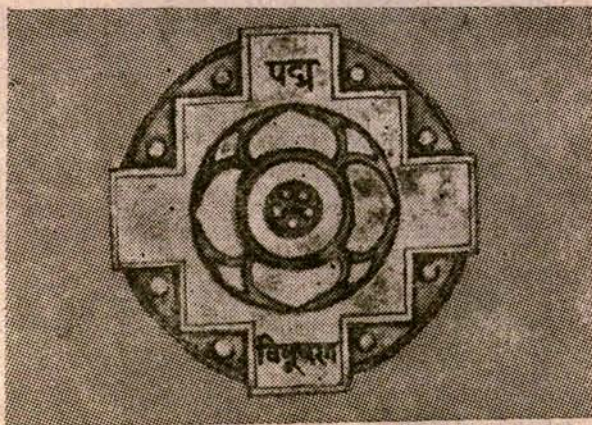
11. All persons upon whom the decoration of **PADMA VIBHUSHAN** (**PAHELA VARG**) was conferred under the Regulations issued with Notification No. 2-Pres/54, dated the 2nd January, 1954, shall, for all purposes of these regulations, be deemed to persons on whom the decoration of **PADMA VIBHUSHAN** has been conferred by the President.

ANNEXURE

Obverse

Reverse

PADMA VIBHUSHAN



@Substituted vide President's Sectt. notification No. 7-Pres/57, dated 26th January, 1957.

* Inserted vide President's Sectt. notification No. 26-Pres/55, dated 30th August, 1955.

No. 3-Pres/55—The President is pleased to make the following revised regulations for the award of the decoration PADMA BHUSHAN in supersession of those published in Notification No. 2-Pres/54, dated the 2nd January, 1954:—

1. The decoration shall be conferred by the President by a Sanad under his hand and seal.

2. The decoration shall be mainly circular in design, with a geometrical pattern superimposed on the circle (as in the representative drawing in the annexure). The diameter of the circular portion of the decoration shall be one and three-fourth inches and the thickness of the decoration shall be one-eighth of an inch. The geometrical pattern shall be composed of the outer lines of a square of one and three-sixteenths inches side, centrally placed on each side of which shall be a rectangle projecting beyond the rim thereby breaking the circumference of the circular design of the decoration. A knob shall be embossed within each of the outer angles of the geometrical pattern. There shall be a raised circular space of diameter one and one-sixteenth inches forming the centre-piece of the decoration. On the obverse a lotus flower shall be embossed in this circular space. The name of the decoration shall be embossed in Hindi, with the word PADMA placed above and the word BHUSHAN placed below the lotus flower. On the reverse shall be embossed the State Emblem and motto in Hindi below it. The decoration shall be of toned bronze. @The inscription PADMA BHUSHAN on the obverse of the decoration, the geometrical pattern on either side and the border around the periphery, shall be of burnished bronze. All embossing on either side of the decoration shall be of standard gold.

3. A sealed pattern of the decoration (manufactured according to the specifications described above and the drawing in the annexure to these regulations) shall be deposited and kept.

4. The decoration shall be worn by men on the left breast, suspended from a plain lotus pink riband one and a quarter inches in width, with a broad white stripe in the middle; and by women on the left shoulder, suspended from a riband of the same colour and width, fashioned into a bow.

5. The decoration shall be awarded for distinguished service of a high order in any field including service rendered by Government servants.

6. Any person without distinction of race, occupation, position or sex shall be eligible for the award.

7. The decoration may be awarded posthumously.

8. The names of the persons, upon whom the decoration is conferred, shall be published in the Gazette of India and a register of all such recipients of the award shall be maintained under the direction of the President.

*9 The miniature of the decoration which may be worn on certain occasions by recipients shall be half the size of the PADMA BHUSHAN, and a sealed pattern of the said miniature shall be deposited and kept.

10. The President may cancel and annul the award of the decoration to any person and thereupon his name shall be erased from the Register and he shall be required to surrender the decoration and the Sanad. But it shall be competent for the President to restore the decoration and Sanad and to withdraw the orders of cancellation and annulment. The notice of cancellation or restoration in every case shall be published in the Gazette of India.

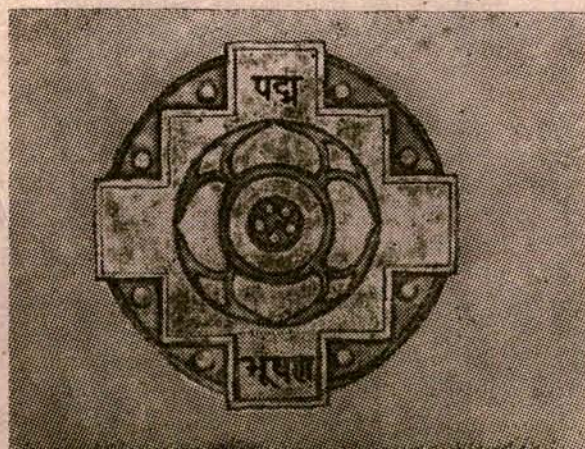
11. All persons upon whom the decoration of PADMA VIBHUSHAN (DUSRA VARG) was conferred under the Regulations issued with Notification No. 2-Pres/54, dated the 2nd January, 1954, shall, for all purposes of these regulations, be deemed to persons on whom the decoration of PADMA BHUSHAN has been conferred by the President.

ANNEXURE

Obverse

Reverse

PADMA BHUSHAN



@Substituted vide President's Sectt. notification No. 8-Pres/57, dated 26th January, 1957.

* Inserted vide President's Sectt. notification No. 27-Pres/55, dated 30th August, 1955.

No. 4-Pres/55—The President is pleased to make the following revised regulations for the award of the decoration **PADMA SHRI** in supersession of those published in Notification No. 2-Pres/54, dated the 2nd January, 1954:—

1. The decoration shall be conferred by the President by a Sanad under his hand and seal.

2. The decoration shall be mainly circular in design, with a geometrical pattern superimposed on the circle (as in the representative drawing in the annexure). The diameter of the circular portion of the decoration shall be one and three-fourth inches and the thickness of the decoration shall be one-eighth of an inch. The geometrical pattern shall be composed of the outer lines of a square of one and three-sixteenths inches side, centrally placed on each side of which shall be a rectangle projecting beyond the rim thereby breaking the circumference of the circular design of the decoration. A knot shall be embossed within each of the outer angles of the geometrical pattern towards the rim. There shall be a raised circular space of diameter one and one-sixteenth inches forming the centre-piece of the decoration. On the obverse a lotus flower shall be embossed in this circular space. The name of the decoration shall be embossed in Hindi, with the word **PADMA** placed above and the word **SHRI** placed below the lotus flower. On the reverse shall be embossed the State Emblem and motto in Hindi below it. The decoration shall be of toned bronze. @The inscription **PADMA SHRI** on the obverse of the decoration, the geometrical pattern on either side and the border around the periphery, shall be of burnished bronze. All embossing on either side of the decoration shall be of stainless steel.

3. A sealed pattern of the decoration (manufactured according to the specifications described above and the drawing in the annexure to these regulations) shall be deposited and kept.

4. The decoration shall be worn by men on the left breast, suspended from a lotus pink riband one and a quarter inches in width with two narrow white stripes each a quarter inch distant from the edges of the riband; and by women on the left shoulder, suspended from a riband of the same colour and width fashioned into a bow.

5. The decoration shall be awarded for distinguished service in any field including service rendered by Government servants.

6. Any person without distinction of race, occupation, position or sex shall be eligible for the award.

7. The decoration may be awarded posthumously.

8. The names of the persons, upon whom the decoration is conferred, shall be published in the Gazette of India and a register of all such recipients shall be maintained under the direction of the President.

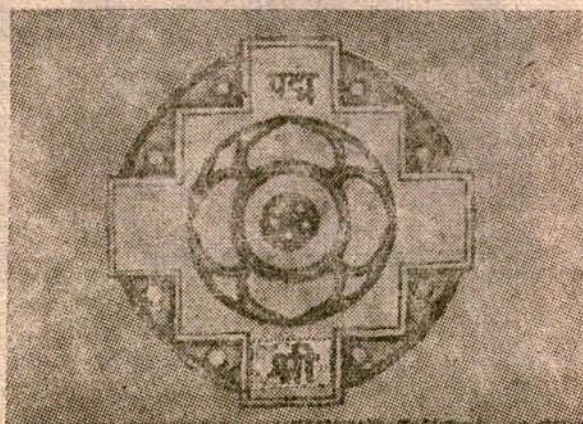
*9. The miniature of the decoration which may be worn on certain occasions by recipients shall be half the size of the **PADMA SHRI** and a sealed pattern of the said miniature shall be deposited and kept.

10. The President may cancel and annul the award of the decoration to any person and thereupon his name shall be erased from the Register and he shall be required to surrender the decoration and the Sanad. But it shall be competent for the President to restore the decoration and Sanad and to withdraw the orders of cancellation and annulment. The notice of cancellation or restoration in every case shall be published in the Gazette of India.

11. All persons upon whom the decoration of **PADMA VIBHUSHAN (TISRA VARG)** was conferred under the Regulations issued with Notification No. 2-Pres/54, dated the 2nd January, 1954, shall, for all purposes of these regulations, be deemed to persons on whom the decoration of **PADMA SHRI** has been conferred by the President.

ANNEXURE **PADMA SHRI**

Obverse



Reverse



@Substituted vide President's Sectt. notification No. 9-Pres/57, dated 26th January, 1957.

* Inserted vide President's Sectt. notification No. 28-Pres/55, dated 30th August, 1955.



3557/35 (A) 97
16/7 46

P. PARAMESWARAN,
ADDL. GOVT. ADVOCATE

TELE NO. 338 25 76

भारत सरकार
GOVERNMENT OF INDIA
विधि, न्याय और कम्पनी कार्य मंत्रालय
MINISTRY OF
LAW, JUSTICE & COMPANY AFFAIRS
विधि कार्य विभाग
DEPARTMENT OF LEGAL AFFAIRS
केन्द्रीय अभिकरण अनुभाग
CENTRAL AGENCY SECTION

Supreme Court Compound,
New Delhi, dated 16.7.1997.

Dear Shri Iyer,

Subject: SLP(C) No. 628/94 with TC(C)No. 7/94 and
W. P(C) No. 834/94 - Union of India vs.
Bijon Ghosh & Ors.

.....

The above said matters were listed before a Bench presided over by Mrs. Justice Sujata V. Manohar today i.e. 16.7.1997 in Court No. 10 as Item No. 9.

2. Shri F.S. Nariman appeared on behalf of the petitioners. Shri Altaf Ahmed, ASG appeared and argued on behalf of us. After hearing at length, their lordships were pleased to adjourn the matter for 29.7.1997 for enabling the learned ASG to take detailed instructions from the Ministry of Home Affairs as to the suggestion of the Hon'ble Court for withdrawal of the announcement of the conferrment of Bharat Ratna on Netaji Subhash Chandra Bose. Infact, the learned ASG submitted that the Union of India cannot make any irreverisible statement today and further submitted that in the affidavit of the Department it has been contended that the issue has already been closed. I, therefore, request you to kindly look into the matter immediately so that the matter can be discussed with the learned ASG.

With regards,

Yours sincerely,

(P. PARAMESWARAN)

Shri MV Iyer,
Joint Secretary,
Ministry of Home Affairs,
North Block,
NEW DELHI.

18/7/97

Public



M. VENKATESWARA IYER
JOINT SECRETARY(A&PG)
Tel.No.3015785

गृह मंत्रालय
भारत सरकार
नार्थ ब्लॉक, नई दिल्ली-110001
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NORTH BLOCK, NEW DELHI-110001
28 July, 1997

Dear Shri Parameswaran,

Subject:- SLP(C) No.628/94 with TC(C) No.7/94
and W.P(C) No.834/94 - Union of India
vs. Bijon Ghosh and Others.

Please refer to your d.o. letter dated 15th July, 1997 on the above mentioned case which may be coming tomorrow before the Supreme Court. I had requested you to arrange a discussion with the Addl. Solicitor General and you had agreed to do so. However, I have not heard anything from you.

The question of withdrawal of the Press Communique issued by Rashtrapati Bhavan on 23rd January, 1992 regarding the conferment of the award of Bharat Ratna on Netaji Subhash Chandra Bose was specifically considered in 1992 itself. It was decided with the approval of the then Prime Minister and President that no further action was necessary and the matter might be treated as closed. You will kindly appreciate that there can be no question of considering this issue again now. The Hon'ble Supreme Court may kindly be apprised of the position. If necessary this Ministry's file No.1/27/91-Public can be shown to the Hon'ble Supreme Court for perusal.

With regards,

Yours sincerely,

M. Venkateswara Iyer
(M. VENKATESWARA IYER)

Shri P. Parameswaran,
Addl. Govt. Advocate,
Ministry of Law, Justice & Company Affairs,
Deptt. of Legal Affairs,
Central Agency Section,
Supreme Court Compound,
NEW DELHI- 110 001.

*Recd.
Law
28/7/97*

48

Most Immediate
Court Case

No.12014/6/2008-Cdn.
Government of India
Ministry of Home Affairs
Security Division

New Delhi, dated 24th June, 2008.

OFFICE MEMORANDUM

Subject: Writ Petition No.8215 (W)/2008 filed in the Calcutta High Court by the
Subhash Chandra Basu & others.

The undersigned is directed to enclose a copy of Para 7 of the Writ
Petition No.8215 (W)/2008 filed in the Calcutta High Court by Shri Subhash
Chandra Basu & others with the request that reply/comments of Public Section may
kindly be made available immediately and latest by 25.6.2008 positively.

(S.K. Malhotra)
Deputy Secretary to the Govt. of India

Shri S.K. Bhatnagar,
Deputy Secretary (Public Section),
Ministry of Home Affairs,
North Block,
New Delhi

Urgent

25.6.08

So

Discussed.
Reply as in DfA is for consideration/appl.

25/6/08

25/6/08

25/6/08

witnesses have been noticed, some further contemporary officials documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive."

7. That thereafter a Writ Petition being C.O. No.6720 of 1993 was filed by one of the lawyer in the High Court, Calcutta and the same was transferred to the Hon'ble Supreme Court of India, as Transfer case (C) NO. 7 of 1994 challenging the press communiqué of Government of India for conferment of Bharat Ratna Award on Netaji Subhas Chandra Bose posthumously and the Hon'ble Supreme ^{Court} by order dated 04.08.1997, which was later on reported in AIR 1997 Supreme Court, 3019 (Union of India- Versus - Bijan Ghosh), cancelled the said Press Communiqué as the Union of India by affidavit stated that no further steps were taken for conferment of Bharat Ratna Award on Netaji Subhas Chandra Bose. The Union of India, thus, retreated from their stand as to the death of Netaji and/or conferment of Bharat Ratna Award posthumously.

The Xerox copy of the said order dated 04.08.1997, which was later on reported in AIR 1997 SC 3019, is enclosed herewith and marked as Annexure -P/-1 to the Writ Petition.

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forwarded to the Director General of Police and the Home Secretary of every State/Union Territory and it shall be their obligation to circulate the same to every police station under their charge and get the same notified at every police station at a conspicuous place. It would also be useful and serve larger interest to broadcast the requirements on All India Radio besides being shown on the National Network of Doordarshan and by publishing and distributing pamphlets in the local language containing these requirements for information of the general public. Creating awareness about the rights of the arrestee would in our opinion be a step in the right direction to combat the evil of custodial crime and bring in transparency and accountability. It is hoped that these requirements would help to curb, if not totally eliminate, the use of questionable methods during interrogation and investigation leading to custodial commission of crimes."

3. More than seven months have elapsed since the directions were issued. Through these petitions, Dr. Singhvi, the learned Amicus Curiae, who had assisted the Court in the main petition, seeks a direction, calling upon the Director General of Police and the Home Secretary of every State/Union Territory to report to this Court compliance of the above directions and the steps taken by the All India Radio and the National Network of Doordarshan for broadcasting the requirements.

4. We direct the Registry to send a copy of this application, together with a copy of this order to respondents 1 to 31 to have the report/reports from the Director General of Police and the Home Secretary of the concerned State/Union Territory, sent to this Court regarding the compliance of the above directions concerning arrestees. The report shall indicate in a tabular form as to which of the "requirements" has been carried out and in what manner, as also which are the "requirements" which still remain to be carried out and the steps being taken for carrying out those.

5. Report shall also be obtained from the Directors of All India Radio and Doordarshan regarding broadcasts made.

6. The notice on respondents 1 to 31, in addition, may also be served through the standing counsel of the respective States/Union Territories

in the Supreme Court. After the reports are received, copies of the same shall be furnished to the Advocate on Record for Dr. Singhvi, Ms. Suruchi Agrawal, Advocate.

7. The reports shall be submitted to this court in the terms, indicated above, within six weeks from today. The matters shall be put up on board for monitoring, after seven weeks.

Order accordingly.

AIR 1997 SUPREME COURT 3019

(From : Calcutta)*

Mrs. SUJATA V. MANOHAR AND
G. B. PATTANAİK, JJ.

Spl. Leave Petn. (C) No. 628 of 1994 with
Transferred Case (C) No. 7 of 1994, D/- 4-8-1997:

Union of India, Petitioner v. Bijan Ghosh and
others, Respondents.

(A) Constitution of India, Arts. 18, 136 — Award of decorations by President — Press communique announcing conferment of award of Bharat Ratna Posthumously on Netaji Bose — Unhappiness expressed by members of public and members of Netaji's family at such announcement — Govt. of India in deference to sentiments expressed not proceeding further to confer award and treating the matter as closed — Objection to word 'posthumously' used in press communique therefore not considered — Press communique declared as cancelled.

(Para 6)

(B) Constitution of India, Art. 18 — Notification dated 8th of January, 1955 issued by the office of the Secretary to the President bearing No. 1 Pres./55 Cls. 1, 8, 10 — Bharat Ratna, Padma Vibhushan, Padma Bhushan etc. — Award of — Annulment of — Procedure.

In order to confer the award of Bharat Ratna, it is necessary that the name of that person should be published in the Gazette of India. It is also necessary that the name of such a person should be entered in the register of such recipients maintained under the direction of the President. Clause 10 which deals with cancellation or annulment of the award requires the erasure of

*C. O. No. 6720 of 1993, D/- 6-12-1993 (Cal.)
HO/HO/S629/97/VVG/CSL

the name of such a person from the register. The notice of cancellation in every case is also required to be published in the Gazette of India.

(Para 6)

Altaf Ahmad, Addl. Solicitor General, B. Parthasarathi, Hemant Sharma, P. Parmeswaran, Advocates with him for Petitioner: In person for the Respondent. F. S. Nariman, M. N. Krishnamani, Sr. Advocates, Rudra Bhattacharjee, (Subhash Sharma), Advocates for Ms. Sarla Chandra, Advocate with them for Respondents, V. P. Saini, In-person for Respondent.

ORDER :— The proceedings which are before us have arisen out of a press communicate which was issued from the Rashtrapati Bhawan, New Delhi and was published on 23rd of January, 1992. It is to the following effect :—

"The President is pleased to confer the award of Bharat Ratna posthumously on Shri Subhash Chandra Bose."

On reading this press communicate the sentiments of many people were hurt. The petitioner filed a writ petition in the Calcutta High Court praying, inter alia to recall, rescind cancel and revoke the 'Bharat Ratna' purported to be conferred on Netaji Subhas Chandra Bose posthumously by the press communicate dated 22nd January, 1992 and forbear from handing over to any person or persons, institution or institutions any document or insignia or symbol containing the impugned 'Bharat Ratna' or any communication bearing reference thereto for acceptance or preservation or display or for any other purpose. The petitioner also prayed for a direction that respondents 1 and 2 declare full particulars of the whereabouts of Netaji Subhas Chandra Bose from 18th of August, 1945 till date on the basis of records and information at their disposal dehors the reports and findings of the Netaji Inquiry Committee 1956 and the Netaji Inquiry Commission, 1970, and to institute a proper investigation into such whereabouts with a view to locating him, if alive, and bringing him to India with due honour and dignity and if he is found to have died, to furnish full particulars of his stay from 18th August, 1945 onwards and his subsequent death and the place and manner of disposal of his mortal remains. There are various reliefs prayed for which are connected with these reliefs.

2. The petitioner has taken strong exception to the use of the word 'posthumously' in the press communicate and has submitted that the Government of India has not officially accepted the alleged report of the death of Netaji Subhas Chandra Bose in an air-crash in Taiwan on 18th of August, 1945. Without any specific report of the death of Netaji Subhas Chandra Bose being accepted by the Government of India, it cannot and should not confer on him any title with the description 'posthumously'. In this connection elaborate averments have been made about the Netaji Inquiry Committee, 1956 which was then constituted and the report of this Committee as also the Netaji Inquiry Commission, 1970 constituted under the Commissions of Inquiry Act, 1952. It is contended that a further inquiry should be held in this connection and in the absence of such an inquiry the award should not be conferred posthumously.

3. The petitioner has also raised another objection to the conferment of Bharat Ratna on Netaji Subhas Chandra Bose. It is contended that an award or a title has its own limitations. When a personality is higher and greater than any award or title, conferring of such honour on that person becomes ridiculous and it becomes an act of "carelessness" to classify such a person as an equal of others who have already been awarded such title or who may be awarded such a title in future.

4. It seems that the family members of Netaji Subhas Chandra Bose also conveyed to the Government of India their unhappiness at the announcement and expressed their unwillingness to accept such an award.

5. In view of the sentiments expressed by the members of public and the family members of Netaji Subhas Chandra Bose in connection with the press communication, the Government of India did not proceed further in the matter. In their affidavit which is filed in these proceedings, they have stated that the matter was treated as closed. The original petitioners have expressed their anguish at this statement made on affidavit by the Government of India and have submitted that the award/press communication should be withdrawn.

6. We have heard the original petitioners and the learned advocates appearing on behalf of some

of the petitioners. In order to clarify the position, Mr. Altaf Ahmad, learned Additional Solicitor General has drawn our attention to notification dated 8th of January, 1955 issued by the office of the Secretary to the President bearing No. 1 Pres. 55 setting out the Statutes and Rules relating to the awards of Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padmashri. It sets out, inter alia, as follows :—

“1. The decoration shall be conferred by the President of India by a Sanad under his hand and seal.

8. The names of the persons, upon whom the decoration is conferred, shall be published in the Gazette of India and a register of all such recipients shall be maintained under the direction of the President.

10. The President may cancel and annul the award of the decoration to any person and thereupon his name shall be erased from the Register and he shall be required to surrender the decoration and the Sanad. But it shall be competent for the President to restore the decoration and Sanad and to withdraw the orders of cancellation and annulment. The notice of cancellation or restoration in every case shall be published in the Gazette of India.”

In order to confer the award of Bharat Ratna, it is necessary that the name of that person should be published in the Gazette of India. It is also necessary that the name of such a person should be entered in the register of such recipients maintained under the direction of the President. Clause 10 which deals with cancellation or annulment of the award requires the erasure of the name of such a person from the register. The notice of cancellation in every case is also required to be published in the Gazette of India. It is pointed out by the Additional Solicitor General that the award has to be conferred by first publishing the name of the recipient in the Gazette of India and entering it in the register of recipients. In the present case, only an announcement was made by the press communication which was issued. In deference to the sentiments expressed by the public and by the members of the family of Netaji Subhas Chandra Bose, the Government of India did not proceed further to confer the

award and hence the name was not published in the Gazette of India, nor was it entered in the register of recipients, nor was any decoration conferred by the President by a Sanad under his hand and seal. That is why the affidavit filed on behalf of the Union of India states that the matter was closed in the sense that no further steps were taken for conferment of Bharat Ratna on Netaji Subhas Chandra Bose. Since the award has not in fact been conferred, the question of cancellation or annulment of the award under Clause 10 does not arise. Looking to the Statutes and Rules relating to the award, inter alia, of Bharat Ratna, the position as explained by the Union of India appears to be correct. In deference to the feelings so eloquently expressed in these proceedings and which were no doubt, conveyed to the Union of India, the award was, in fact, not conferred and the proposal was dropped. We need not, therefore, go into the question whether the word ‘posthumously’ has been justifiably used in the press communique or the wider question whether there is enough material available for reaching the conclusion that Netaji Subhas Chandra Bose died either in the air-crash of 18th August, 1945 or at any time thereafter. This is a wider issue on which undoubtedly in future as in the past, there will be divergent views. The real controversy in these proceedings relates to the press communique. Since no further steps have been taken pursuant to the press communique and the matter is treated as closed, we declare that the press communique should be treated as cancelled. With this declaration nothing further survives and the various petitions either transferred from the Calcutta High Court or filed in this Court stand disposed of.

Order accordingly.

AIR 1997 SUPREME COURT 3021

K. RAMASWAMY AND D. P. WADHWA, JJ.*

Writ Petn. (C) No. 824 of 1988 with Writ Petn. (Cri.) Nos. 745-54 of 1990, D/- 9-7-1997.

Gaurav Jain, Petitioner v. Union of India and others, Respondents.

(A) Constitution of India, Art. 32 — Public

*The judgments are printed in the order in which they are given in the Certified Copy ... Ed.

GO/HO/S 573/97/VNP/RTT

53

No. 1/27/91-Public
Government of India
Ministry of Home Affairs
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North Block, New Delhi,
June 25, 2008

OFFICE MEMORANDUM

Sub: Writ Petition No. 8215 (W)/2008 filed in the Calcutta High Court by Shri Subhash Chandra Basu and others.

The undersigned is directed to refer to Security Division's OM NO. 12014/6/2008-Cdn dated the 24th June 2008 on the subject mentioned above and to enclose a status note on the captioned subject. Apart from the status note, this Division has no further comments/input in the matter.


(S.K. Bhatnagar)
Deputy Secretary (A&P)

Shri S.K. Malhotra, *Deputy Secretary*
Security Division
Jaisalmer House
New Delhi.

PB No. 2/08
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64

Status note on conferment of Bharat Ratna to Netaji Subhash Chandra Bose

Recommendations for the award of Bharat Ratna are made by the Prime Minister to the President.

On recommendation of the Prime Minister, the President had approved the conferment of the award of Bharat Ratna, posthumously, on Netaji Subhash Chandra Bose. A press communiqué announcing the conferment of award on Netaji was issued by the President's Secretariat on January 22, 1992.

In the case of posthumous awards, the award has to be received by the next of kin (NoK) of the awardee. Mrs. Anita Pfaff, daughter of Netaji, who was contacted in this connection, expressed certain reservations on receiving the award as according to her such an honour should have been appropriate in the fifties and felt that one cannot honour Netaji today by awarding the Bharat Ratna to him. She declined to receive the award.

Apart from the declining of accepting the award by Netaji's daughter, some persons submitted a memorandum to the then President. There was also a lot of criticism in Parliament and the media about the award. The crux and essence of all this was that the award was too late in the day for Netaji and also on the ground that it was not appropriate for the Govt. to announce the award 'posthumously' in the absence of credible evidence of Netaji's death.

The matter was submitted to the Prime Minister and the President. It was considered that the conferment of Bharat Ratna on Netaji was only announced by the President's Secretariat through a press communiqué and was not notified in the gazette. The notification in the gazette is done when the award is actually conferred by the President during the presentation ceremony. Since the award was declined by the NoK, there was no presentation of the award and the award was not notified in the Gazette of India. It was decided with the approval of the Prime Minister and the President that no further action was necessary and the matter be treated as closed.